

Richard W. Stanley 8/6/2008
In Re: Viagra Products Liability Litigation

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

IN RE: * MDL Case No. 1724
*
VIAGRA PRODUCTS LIABILITY *
LITIGATION *
*

This document relates to: *

RICHARD W. STANLEY, *
*
Plaintiff, *
*
vs. *

PFIZER INC., *
*
Defendant. *

CASE NO. 06-CV-1065 (PAM) *
*

DEPOSITION OF
RICHARD W. STANLEY

Taken August 6, 2008
Commencing at 9:35 a.m.

REPORTED BY: MARY P. MITCHELL, RDR, CRR, CCP
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Deposition of RICHARD W. STANLEY taken on August 6, 2008, commencing at 9:35 a.m., at the law firm of Oppenheimer, Wolff & Donnelly LLP, 3300 Plaza VII Building, 45 South Seventh Street, Minneapolis, Minnesota, before Mary P. Mitchell, Registered Diplomat Reporter, Certified Realtime Reporter, Certified CART Provider, and Notary Public of and for the State of Minnesota.

APPEARANCES

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NOTE: The original transcript will be filed with Kaye Scholer LLP, pursuant to the applicable Rules of Civil Procedure.

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EXHIBITS (Continued)

EXHIBIT 6: 1/9/02 letter from Richard Stanley to Dr. Bhavsar..... 135, 154, 204, 210, 212
RSTAN-00106

EXHIBIT 7: Plaintiff's Fact Sheet, executed 8/1/06..... 144
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EXHIBIT 8: 10/6/06 letter from Ann Hansen of Zimmerman Reed to Heather Hoecke of Oppenheimer..... 151, 154
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EXHIBIT 9: Complaint for Richard Stanley vs. Pfizer, Inc. 229
(No Bates)

(Original exhibits attached to original transcript; copies provided to counsel.)

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Afternoon Session..... 140

OBJECTIONS:

By Ms. Hauer: 167.

INSTRUCTIONS NOT TO ANSWER: (None.)

PRODUCTION/INFORMATION REQUESTS: 117, 151, 201.

EXHIBITS MARKED AND REFERRED TO:

EXHIBIT 1: Rite Aid Legal Department printout for Richard Stanley, dated 3/17/06..... 81, 108, 115, 121
RSTAN-00015

EXHIBIT 2: drugstore.com order confirmation, dated 12/8/2000..... 114
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EXHIBIT 3: Printout of Viagra prescription information for Richard Stanley..... 119
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EXHIBIT 4: 3/14/01 letter from Dr. Bhavsar to Richard Stanley..... 127, 200, 220
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EXHIBIT 5: Article on NAION by Drs. Pomeranz and Bhavsar..... 133, 137, 204
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RICHARD W. STANLEY,

duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. LESKIN:

Q. Good morning, Mr. Stanley. As I introduced myself a little while ago, my name is Lori Leskin. Avigael Fyman and I are here from Kaye Scholer on behalf of Pfizer.

Have you ever had your deposition taken before?

A. About 30 years ago.

Q. In what context?

A. It was a, an administrative investment matter. And it had to do with the mutual funds that our organization was managing. And I was sort of peripheral to it, but they brought me in for 30 minutes of testimony. And I frankly don't -- I don't think we were found wanting on whatever we'd done, but the SEC was -- was anxious to find out whether that was so, I guess is what I should say.

Q. So you were brought in as a fact witness in that case?

A. I would guess so, yes.

Q. And you were not an object of their investigation?

2 (Pages 2 to 5)

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1 A. I wasn't, but my organization was.
2 Q. Okay. Is that the only time you recall
3 being deposed?
4 A. That's all I can recall.
5 Q. Okay, well, since it was so long ago and
6 even though I'm sure your attorney has gone through
7 some of the ground rules, I just want to get some of
8 the rules of the deposition on the record.
9 Unfortunately, we'll be here a little more than 30
10 minutes today.
11 A. Alas. Okay, go ahead.
12 Q. You have just taken an oath, and that oath
13 is the same oath as you would give in court. And so
14 as you know, you're obligated to tell the truth, and
15 I expect that you will do that during the course of
16 the deposition. Can I count on you to be truthful
17 in your answers today?
18 A. Absolutely.
19 Q. Okay. The court reporter is taking down
20 everything that is being said. So it's very
21 important that all of your answers be verbalized. A
22 yes or a no --
23 A. I can't wave, huh.
24 Q. No waving, no nods of the head, no shrugs of
25 the shoulders. Can you do that for me?

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1 A. I'll try.
2 Q. Okay. It's also important that only one of
3 us speak at a time. So if you let me finish my
4 question, I'll let you finish your answer, and we'll
5 have a nice, clean record and she won't start
6 throwing things at us. Is that okay?
7 A. She looks pretty casual, pretty relaxed
8 anyway. Yes.
9 Q. Sometimes it's very easy to understand where
10 I'm going with my questions and you're anxious to
11 answer them, but if you can just make sure that my
12 whole question is on the record before you start
13 answering.
14 A. That's fine.
15 Q. Okay. If you don't understand my question,
16 please tell me and I will be happy to repeat it or
17 rephrase it, whatever the case may be, to make sure
18 you understand it. If you answer my question, I'm
19 going to assume you understood what I was asking
20 you. Okay?
21 A. Okay.
22 Q. Okay. I have a tendency to talk a little
23 fast, so if I get too fast for you, just slow me
24 down and I'll repeat it.
25 A. I'll listen as fast as I can.

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1 Q. Okay. If you need a break at any time,
2 please let me know. We're not in a marathon. The
3 only thing I ask is that if a question is pending,
4 that you answer my question before we take a break.
5 A. Fair enough.
6 Q. Okay. And last, given the nature of the
7 litigation, some of these questions may be of a
8 personal and intimate nature. My intention is not
9 to embarrass you, but I hope you understand that
10 some of these questions are necessary.
11 A. I certainly do.
12 Q. Okay. Are you taking any medications today?
13 A. Yes.
14 Q. What medications did you take today?
15 A. Well, I took diltiazem. And Digitek. And
16 warfarin. And Detrol. And -- it's something like
17 chlorothiazide, it's a water pill. I also took my
18 daily dose of potassium. And that's it of my, my
19 prescription meds.
20 Q. Okay. Did you take any vitamins or
21 over-the-counter medications this morning?
22 A. I took a vitamin, I took One-a-Day. I take
23 Vitamin D in addition. And that's about it.
24 Q. Okay. Any herbal supplements that you take?
25 A. No.

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1 Q. And you took all of those medications this
2 morning?
3 A. Yes, ma'am.
4 Q. Okay. Do you take any additional
5 medications on a daily basis that you take at night?
6 A. Not really. I take a couple of
7 acetaminophens before I go to sleep at night, but
8 that's -- that's a habit more than anything. I
9 don't really need 'em.
10 Q. Okay. You took those last night?
11 A. Yes.
12 Q. Do any of these medications have an effect
13 on your memory?
14 A. That's hard to say. Well, you know, you're
15 asking me to model something and I don't have a
16 control.
17 Q. Has anyone ever told you that you have
18 problems remembering things that you would attribute
19 to the medication?
20 A. No. Although, at 76 years old, I do lose a
21 word or a name once in a while.
22 Q. That's fine. And if you have any time
23 during any of my questioning if there's something
24 that you can't remember, please just let me know
25 that you don't remember and that's fine.

3 (Pages 6 to 9)

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1 A. Gotcha.
2 Q. Let's just go through these medications
3 briefly. You mentioned --
4 A. Diltiazem.
5 Q. Diltiazem, and I always mess that name up.
6 That was Cardizem, correct? That's the generic name
7 of Cardizem?
8 A. Yes, ma'am.
9 Q. Okay. What do you take that for?
10 A. In 1999, I had a -- I had a gallbladder
11 problem. And I went to the hospital and there were
12 two sets of symptoms. One was my heart racing and
13 the other was whatever, you know, whatever else was
14 going on. And of course, gallbladder thing, pain
15 and all that, will make -- make things sort of speed
16 up in your system.
17 And they had double symptoms they were
18 dealing with, and they finally figured out that I
19 had a flutter, an atrial flutter. And the atrial
20 flutter was treated with medication for -- for five
21 years. And then at some point there they decided
22 that it was a good idea for me to have an ablation.
23 So I had an ablation in the upper -- but I'm not as
24 sick as she is.
25 So I had an ablation for a flutter. And if

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1 you know what that is, why, that's what it was.
2 Q. Okay.
3 A. And since then, just more not because I need
4 them, but because it's a good idea to use them
5 having had the flutter, I take the diltiazem and the
6 Digitek.
7 Q. So the Digitek is also to treat the flutter?
8 A. They also relate to it, and I can't tell you
9 how.
10 Q. Okay. The warfarin is a blood thinner?
11 A. It's a blood thinner. Part of the same
12 protective thing. In other words, if my blood's a
13 little thinner, if I did have a relapse, I would
14 have -- I'd be more susceptible to clots and clots
15 cause strokes, so if my blood's a little thinner I
16 have less risk there.
17 Q. The Detrol?
18 A. Detrol is for urinary challenge. I used to
19 get intense feelings of needing to pee. Now I
20 don't. Although I may pee more often than some of
21 my witnesses do.
22 Q. Well, if you need a break just let us know.
23 A. I understand.
24 Q. The chlorothiazide or the water pill that
25 you take?

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1 A. The water pill I've been probably taking for
2 35 years. It's a half a pill. And it's just a
3 small dose, but it's -- I've been on a sort of an
4 off and on marginal hypertensive. Some days I'm
5 120. Some days I'd be 140. And the doctor said why
6 don't we blah-yah. So I've been taking that for
7 probably 35 years.
8 MS. LESKIN: (To reporter) Did you get
9 that?
10 A. I apologize, my mistake.
11 Q. You take the potassium to counteract the
12 effects of the water pill?
13 A. Exactly.
14 Q. Okay. And then you said you take a
15 multivitamin plus some D?
16 A. Yes.
17 Q. And then the acetaminophen, which is
18 Tylenol, right?
19 A. Yes, right.
20 Q. And why do you take that at night?
21 A. Oh, just 'cause maybe it makes me sleep
22 better or not, I don't know. It seems to never have
23 effect on me. But, I mean, if I forget to take it I
24 sleep fine anyway, so maybe I shouldn't.
25 Q. We'll come back and talk a little bit about

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1 all of this in a little bit. I just wanted to
2 understand what your current medication scheme was.
3 A. That's fine.
4 Q. Let's talk a little bit about your personal
5 background. You were born on January 18th, 1932?
6 A. Yes, ma'am.
7 Q. Okay. And where were you born?
8 A. New York City.
9 Q. And how long have you lived here in
10 Minnesota?
11 A. We came up in '86 from Milwaukee.
12 Q. Okay. And where do you -- what's your
13 current address?
14 A. 9 Fenlea Circle in Dellwood, Minnesota.
15 Q. And how far is Dellwood from Minneapolis?
16 A. Oh, just a shade under an hour at 9 o'clock
17 in the morning.
18 Q. Lot of things are different at 9 o'clock in
19 the morning I take it?
20 A. That's true. It will be easier going home I
21 hope.
22 Q. Okay. And the address you gave me, how long
23 have you lived there?
24 A. 1989.
25 Q. Okay.

4 (Pages 10 to 13)

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1 A. Yes, I think that's right.
2 Q. And you own your house?
3 A. We own our house.
4 Q. Do you own any other property?
5 A. We share a family cottage in Northern
6 Wisconsin with our children.
7 Q. Is that like a vacation cottage?
8 A. It's a vacation cottage.
9 Q. Spend --
10 A. And when I say share, we share the
11 ownership. And we have a small part and they have a
12 larger part.
13 Q. And they can kick you out whenever they
14 want?
15 A. Well, they don't do it -- haven't done it
16 yet.
17 Q. And you spend a lot of your summers up
18 there?
19 A. Not all summer, but as I was saying on the
20 way over, you know, four, six, seven weeks we'll go
21 up, Memorial Day, Labor Day, you know, and so forth.
22 And we get up there Christmas and Thanksgiving
23 sometimes.
24 Q. Okay. Any other property that you own?
25 A. Just personal.

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1 Q. Personal property, like things?
2 A. Like, yeah, things.
3 Q. Okay, but no other real estate?
4 A. No.
5 Q. Okay. You told me you were born in New York
6 and you came here to Minnesota in 1986. Tell me a
7 little bit about where you lived in between.
8 A. Well, I grew up in Larchmont/Scarsdale, New
9 York. I went to Dartmouth College. I had three
10 years in the Navy after that. I graduated in '53,
11 three years in the Navy. In '56 I went for a
12 graduate degree in business at Cornell. And in '58
13 I went to Wall Street, had my training course, and
14 came to Milwaukee in '59, where I worked until 1986,
15 at which point we came up here.
16 Q. Okay. Go back through that a little bit.
17 When you went to Dartmouth, what did you major in?
18 A. Economics.
19 Q. And you said you graduated in '53 and went
20 into the Navy?
21 A. Right, three years.
22 Q. Okay. Where were you stationed when you
23 were in the Navy?
24 A. I was on a ship, which means I was stationed
25 in a lot of places.

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1 Q. Okay. Were you on the same ship?
2 A. No, I changed ships partway through from a
3 destroyer to a destroyer escort.
4 Q. The name of the ships?
5 A. The first one was the Irwin. Second one was
6 the Chester T. O'Brien.
7 Q. Were you in any combat?
8 A. Nope. I got to Korea the day they signed
9 the armistice or whatever it was.
10 Q. Very fortunate.
11 A. That was cool.
12 Q. What was your rank?
13 A. I became a lieutenant JG when I -- before I
14 retired, about halfway through.
15 Q. And in three years you were honorably
16 discharged?
17 A. Yes.
18 Q. And do you still collect any benefits from
19 the Navy?
20 A. No -- oh, I get a, I get a flu shot every
21 year for nothing.
22 Q. Okay.
23 A. And I, theoretically I could get some sort
24 of VA thing, but I haven't exercised that.
25 Q. Okay. And you returned to Cornell and you

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1 got your graduate degree in business. Was it an
2 MBA?
3 A. Yes.
4 Q. Did you have a particular focus as part of
5 your MBA?
6 A. Well, it was called managerial economics.
7 Which is just a fancy name they put on more
8 practical economics than the sort of theoretical
9 stuff I had in college.
10 Q. And when you went to Wall Street for your
11 training, through what company was that?
12 A. I went to Smith Barney.
13 Q. And when you came to Milwaukee, was that
14 with Smith Barney?
15 A. Same thing, yes.
16 Q. And so were you with Smith Barney until
17 1986?
18 A. No, I left there in '74. And that's when I
19 went to work for an investment counselor in
20 Milwaukee named Heritage Investment Advisors.
21 Q. And what was your role at Heritage
22 Investment Advisors?
23 A. I managed investment portfolios, with a
24 specialty in the fixed income investment area;
25 bonds.

5 (Pages 14 to 17)

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1 Q. And that was in 1974 you started there?
 2 A. That's when I started there.
 3 Q. And were you there until when?
 4 A. '85. I resigned in '85 and took a year off.
 5 And the next year started looking and came up here
 6 with a new job.
 7 Q. Was there anything, particular reason that
 8 led you to resign in 1985?
 9 A. I was not very happy. And I could take some
 10 time off and sorta gather myself so I didn't have to
 11 sorta move right across the street and so forth.
 12 So, you know, if you're not happy, you find
 13 something else to do. I stayed in the same
 14 profession, but I found a much better situation.
 15 Q. And that was here in Minnesota?
 16 A. Yes.
 17 Q. And what company did you start with in '86?
 18 A. Well, it's gone through a bunch of name
 19 changes.
 20 Q. At the time?
 21 A. It's currently U.S. Bank or US Bancorp. And
 22 it's the investment management part of the trust
 23 company. And they got a title on that and it's --
 24 but basically I wasn't with the bank investment
 25 processes, but with the trust investment processes.

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1 Q. And you were with the trust investment from
 2 the time you joined in 1986 until you retired?
 3 A. Yes.
 4 Q. And you retired in?
 5 A. '98.
 6 Q. Okay. And did your role change between 1986
 7 and 1998, even though the name of the company did?
 8 A. The name, it changed more than mine did. I
 9 suppose so, yes. You know, the big banks are always
 10 reorganizing. And at one point -- and I was
 11 managing all of the fixed income, municipal and
 12 taxable. And when they reshuffled things, I got
 13 more municipal bond responsibility and less taxable
 14 bond responsibility. That was basically it. I used
 15 to -- I was responsible for about a billion dollars
 16 worth of municipal bond, mutual funds. And another
 17 \$2 billion worth of municipal holdings for our
 18 clients.
 19 Q. And in all that time you only were deposed
 20 once, huh?
 21 A. I what?
 22 Q. You were only deposed one time?
 23 A. Yeah. That's a pretty good record?
 24 Q. Yeah, sounds like it.
 25 A. It must have been a quiet time.

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1 Q. At the time you joined what is now US
 2 Bancorp, what was the name of the company then?
 3 A. Well, I joined what was called First Trust
 4 Company or First Trust of St. Paul. There was a
 5 different separate trust operation in Minneapolis
 6 than there was in St. Paul. Subsequently, they
 7 merged the two and ultimately put us all on the same
 8 side of the river.
 9 Q. Okay. Which side was that?
 10 A. The Minneapolis side, how's that.
 11 Q. Okay.
 12 A. Yeah, you don't know your rivers, for sure.
 13 Q. I don't know my rivers yet.
 14 A. Okay. Of the Mississippi.
 15 Q. And when you retired in 1998, was that a
 16 voluntary choice on your part?
 17 A. Yes, it was. Well, I was 66. I worked
 18 longer than the norm because I was having fun. And
 19 there were big changes going on and I said hey, you
 20 know, I don't need to go through another
 21 metamorphosis, I've done this enough -- (to
 22 reporter) do you know how to spell metamorphosis?
 23 You do? Okay.
 24 And I know how this is done, it's a strain,
 25 and I'm ready to retire and, you know, so let's hang

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1 it up.
 2 Q. So in 1998 when you retired, what have you
 3 done since then?
 4 A. Well, I've been retired, which is to say
 5 that when I wake up in the morning I'm on the job,
 6 as you can understand. But it seems to me that
 7 volunteer work is important. And I've spent about
 8 four, five years working for -- as a volunteer for,
 9 let's see, the Minnesota Literacy Council, which is
 10 teaching people to read. And we had one very
 11 notable success with a guy who came in reading at
 12 the third grade level and we got him his GED. I
 13 like that.
 14 Q. Excellent.
 15 A. Since then, and indeed before that was
 16 finished, I became a volunteer at the Raptor Center,
 17 which is part of the University of Minnesota, part
 18 of the veterinary medicine school.
 19 Q. I'm sorry, did you say raptor or rafter?
 20 A. Raptor, R-A-P-T-O-R, as in eagles, hawks,
 21 owls and stuff. And I taught there for several
 22 years. And in more recent years, I've been managing
 23 a fund-raising activity that they carry out called
 24 Recycling For Raptors.
 25 And I'll brag a little. We've recycled

6 (Pages 18 to 21)

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1 75,000-plus inkjet cartridges from your and my home
2 computers in the last five years.

3 Q. I'll start sending you mine.

4 A. You're welcome to. I wish I'd brought some
5 mailers.

6 But that's been my chief activity. I'm
7 probably putting 15 hours a week or so in on that.

8 Q. You said you were involved at the Minnesota
9 Literacy Council for about four or five years.

10 A. Right.

11 Q. Was that immediately upon your retirement
12 then?

13 A. Yes, that was something I'd always wanted to
14 do, so why not.

15 Q. And so that took you -- you stopped doing
16 that at some point?

17 A. Yeah, I'm not sure why I -- what happened
18 was my first tutor was good raw material. He was
19 willing to get on board and work and do it
20 successfully. So I tutored him for the first three
21 and a half years or four years or whatever it was.
22 And we got him his GED and he took off and hasn't
23 been seen since almost.

24 But after that, it was a -- I think they
25 felt me, a person who -- who was -- I wasn't just a

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1 generic tutor. For some reason they didn't see me
2 that way. And I don't know whether I got bad
3 prospects and just got discouraged with it or what,
4 but it sorta just petered out. Nobody got mad or
5 walked away or anything, but.

6 But I had -- the Raptor Center was up and
7 running then and I was giving classes in raptor
8 appreciation and standing there in a classroom with
9 birds on my fist and stuff like that. And that's a
10 lot more interesting.

11 Q. How did you get involved with the raptors?

12 A. I've always liked birds. And I knew when I
13 was tutoring that I needed another activity. And I
14 asked around and somebody said well, why don't you
15 talk to the Raptor Center, they're -- you know, you
16 like birds, you like that kind of stuff.

17 So I called 'em up and I said, "Do you use
18 volunteers?" And they said, "Yes, we have about
19 300." And I said, "Well, maybe I could find a place
20 and could I come over and interview." So I did.
21 And they took me in as a prospective and then active
22 teacher.

23 Q. And when did that start?

24 A. Probably 2000 or '99, somewhere in there.

25 It was -- I was recycling and tutoring. Or I was

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1 doing raptor and tutoring at the same time for
2 several years.

3 Q. And you continue to teach?

4 A. I don't teach anymore.

5 Q. When did you stop teaching?

6 A. Because I'm blind in my left eye. And when
7 you're down a quart, having a bird sitting on your
8 elbow -- on your wrist that has claws and is a
9 little unpredictable, is not a terribly good idea.

10 Q. So you stopped sometime after you lost the
11 vision in your eye?

12 A. Yes, exactly.

13 Q. But you've now done the fund-raising since
14 then?

15 A. Exactly.

16 Q. And when did you start working with the
17 fund-raising?

18 A. Five years ago.

19 Q. So about 2003?

20 A. This month.

21 Q. Okay. And you said you spend about 15 hours
22 a week?

23 A. I would guess. It averages.

24 Q. What do you do with the rest of your time?

25 A. Oh, I keep an eye on my investments, I keep

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1 an eye on the world. One of the virtues of the
2 Internet today is that you can gather a lot of
3 information simply and quietly at your desk. So I
4 read the headlines and four, five newspapers every
5 day and click on the articles I want to read and I
6 follow investment stuff. That was my vocation, now
7 it's my avocation.

8 Q. I see you've done a lot of traveling as
9 well.

10 A. We do.

11 Q. Been to some great places.

12 A. We've done traveling, yeah. We're sort of
13 cut down on that because of my problems, but.

14 Q. Okay.

15 A. But for a while we went a lot of places.

16 Q. I notice that you've been to Antarctica and
17 South Africa. And where else have you been?

18 A. Oh, Spitsbergen; the other end of the globe
19 from Antarctica. And we've been to Africa three
20 times. And South America, Central America several
21 times, you know, Costa Rica, Peru, Argentina.

22 That's been our -- our activity is not to go
23 places where there are lots of people, but to go
24 where there are critters and interesting things to
25 see, like animals and birds and flowers and stuff

7 (Pages 22 to 25)

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1 like that.
2 Q. I saw there was a trip to Australia at some
3 point?
4 A. Yes, that was mixed in with family a little
5 bit. We had a son who was on a sabbatical down
6 there, so we went there to see him. And then did a
7 bit of exploring in addition.
8 Q. Do you have any big trips planned coming up?
9 A. I don't; my wife does. She's headed for
10 Madagascar come November.
11 Q. And why aren't you joining her on that trip?
12 A. Because of my limitations. I can't see the
13 birds very well. Walking on irregular ground is
14 challenging because I only have monocular vision
15 instead of binocular vision. Things like that. I
16 don't walk terribly well anyway, and the eyes is an
17 ever-present challenge.
18 Q. When did you -- do you actually have, let me
19 just go back then, do you have any trips coming up
20 that you plan on taking?
21 A. Nothing more than up to the lake.
22 Q. Sometimes that's just as good.
23 A. Well, it's fine, it's nice and quiet up
24 there.
25 Q. What do you do up at the lake?

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1 A. Oh, I sit around a bit. I fish. I take a
2 walk once in a while. I interact with all my
3 grandchildren and children.
4 Q. And I want to talk about them in a little
5 bit, too.
6 A. Okay.
7 Q. Because I always like to hear about the
8 family. But just, I want to just finish talking
9 about your traveling real quick. When was the last
10 time you were in Antarctica? Or when did you go to
11 Antarctica I should say?
12 A. We went in '01. I think that's -- yes, it
13 was the year of the New York thing.
14 Q. And how long did you spend there?
15 A. Well, it's on a ship, it's a ship
16 experience. You don't stay on shore.
17 Q. I can imagine.
18 A. Yeah, you can't imagine. But so you're on
19 the ship. And we were probably on that ship for two
20 weeks or two and a half weeks. And it wasn't just
21 Antarctica, it was South Georgia and the Falkland
22 Islands and stuff like that.
23 Q. And you said you were in Africa three times.
24 When was the last time you were in Africa?
25 A. Probably '03. I can't swear to that.

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1 Q. And where did you go on that trip?
2 A. We went to Namibia and then to South Africa.
3 Q. And how about -- and I'm going to pronounce
4 this wrong, Spitsbergen?
5 A. Spitsbergen was probably in the late '90s.
6 Q. And how did you travel around there?
7 A. That's a ship deal, too.
8 Q. And how long was that trip?
9 A. Week and a half maybe.
10 Q. And when was the last time you were in South
11 America?
12 A. Well, let's just throw out it's
13 approximately '02 I would guess. We'd have at least
14 one good trip a year. So let's say '02. That was a
15 ship trip -- or partly ship, partly land. Down in
16 southern South America.
17 Q. Okay.
18 A. Both Argentina and Chile.
19 Q. And you also mentioned you went to Peru at
20 some point?
21 A. Yeah, somewhere in there we squeezed in a
22 two-week trip to Peru. One week on the Upper Amazon
23 River on a boat, and the second week going to Cuzco
24 and to Machu Picchu.
25 Q. To where?

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1 A. Machu Picchu.
2 Q. Oh, okay. And then when was the Australia
3 trip?
4 A. Call it, let's see, call it '05 just for a
5 number.
6 Q. So I have the late '90s, I have 2001, 2002,
7 2003. Where did you go in 2004?
8 A. That assumes I've got the dates all right.
9 Q. Okay.
10 A. And I can't guarantee that. Our three trips
11 to Africa were the one that you've noted.
12 Q. '03.
13 A. There was a prior one back in the mid-'90s
14 somewhere. And another one in the, in about 1980.
15 Q. Okay.
16 A. Mark the gap down to date errors, because
17 I'm not sure. I mean, you know, one of those years
18 I said, "Mary, I'm not going anymore." I think it
19 was after our trip to Namibia. I just said, "I'm
20 not going anymore. The trip's too long and I don't
21 see enough to make it worthwhile." And she said,
22 "That's okay, I'll go without you." Which is fine.
23 She has a great time.
24 Q. So where has she gone without you then?
25 A. Well, she went to the Seychelles. She's

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1 been to what was once called British Guyana, might
2 be called Guyana now. She went to, I'm not sure
3 whether it was Southern Brazil or Northern
4 Argentina, but Iguassu Falls. And then Pantanal,
5 does that ring a bell with you?
6 Q. Mm-hmm, mm-hmm.
7 A. Those are a couple places, several places
8 she's been. As I say, Seychelles. And she's going
9 to Madagascar this year.
10 Q. Okay. Now, you mentioned your wife. And I
11 understand that you were married back in May of
12 1954?
13 A. Mm-hmm.
14 Q. Yes?
15 A. Yes.
16 Q. Just for the court reporter.
17 A. Sorry, did it, I was drinking.
18 Q. That's okay. So the two of you have had a
19 very long, wonderful relationship?
20 A. Well, it's enduring anyway.
21 Q. How many children do you and Mary have?
22 A. We have four children.
23 Q. Can you give me their ages and names?
24 A. Cliff is 51. Claire is 49. Gail is 46.
25 Craig's 43.

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1 Q. Craig was the last one?
2 A. 43, yes.
3 Q. Okay, let's talk about Cliff for a moment.
4 Is Cliff married?
5 A. He is being divorced at this point.
6 Q. Oh, sorry to hear that.
7 A. We were, too.
8 Q. How many -- well, does Cliff have any
9 children?
10 A. They have three children.
11 Q. And boys, girls?
12 A. Two girls and a boy.
13 Q. And what are their names?
14 A. Olivia, Nathaniel, and Georgia. And they
15 are about 16, 14, and 13, or something like that.
16 Q. And how is Cliff's health?
17 A. How is?
18 Q. His health?
19 A. Very good.
20 Q. Does he have any cardiac issues that you're
21 aware of?
22 A. Not, not that I know about. But, you know,
23 we don't talk about -- if things came up I suppose
24 I'd hear about them. That's all I can really say.
25 Q. Okay. But as far as you know, no

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1 hospitalizations?
2 A. No.
3 Q. How about his children?
4 A. His -- I don't think his children have been
5 hospitalized. His wife was hospitalized for an open
6 heart surgery, but that's --
7 Q. Okay, but the children are all in good
8 health as far as you know?
9 A. I think so, yes.
10 Q. How often do you talk to Cliff?
11 A. Not as often as the rest. You know, every
12 three weeks maybe. It varies.
13 Q. Where does Cliff live?
14 A. Wolfville, Nova Scotia.
15 Q. Oh, wow, okay.
16 A. He's a professor of geology at a university
17 there.
18 Q. And so how often do you get to see him?
19 A. Pardon me?
20 Q. How often do you get to see him?
21 A. Well, we're -- about every other year. He's
22 driving as we speak down to our up-north cottage,
23 bringing his kids, and they're going to do some
24 tourism on the way. But we'll see him by weekend.
25 Q. Okay. Your next child is Claire?

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1 A. Yeah.
2 Q. Is Claire married?
3 A. She's married, has three children, lives in
4 down valley Vail, Colorado. Ask the question. Ages
5 21, 19, 13.
6 Q. Okay.
7 A. Three girls.
8 Q. See, I don't even need to ask questions.
9 A. Good. I'll move it along.
10 Q. How is Claire's health?
11 A. She had breast cancer 13 years ago. And
12 apparently is free of it.
13 Q. That's wonderful.
14 A. As we might conclude today.
15 Q. Any other issues that you're aware of?
16 A. No, she's in excellent health. You wouldn't
17 believe it. She looks about 30.
18 Q. And the children, are they all healthy?
19 A. Well, let's think a minute. Yes. Yeah, no
20 issues.
21 Q. No cardiovascular problems?
22 A. No, there are no issues there.
23 Q. Okay. Then I missed I think a child's name?
24 A. Gail, is about 46.
25 Q. Gail? Okay. That was the one I missed.

9 (Pages 30 to 33)

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1 A. She lives in Milwaukee. Has a boy and a
2 girl, ages 13 and 12. Again, no health issues.
3 Q. Okay. Let me just back up to Claire one
4 moment. You said she lives in Colorado. How often
5 do you get to talk to Claire?
6 A. More often than Cliff. Something about
7 girls versus boys I think.
8 Q. That's probably right.
9 A. Well, it's true, it's true. Our boys are
10 remiss, if our girls are not remiss.
11 Q. So if you talk to Cliff about once every
12 three weeks, how often would you say you talk to
13 Claire?
14 A. One of us talks to her at least once a week
15 I would think.
16 Q. And how often do you get to see her?
17 A. At least once a year up at the lake. But
18 we've traveled out there. We don't go out there to
19 ski anymore, but we've traveled out there to be with
20 them.
21 Q. How long have they lived in Colorado?
22 A. Ever since they were married.
23 Q. Which is how long?
24 A. Oh, 23, 24 years.
25 Q. And so you used to go out there to visit

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1 them?
2 A. Sure, we used to go out and ski with them.
3 Q. When did you stop skiing?
4 A. Oh, 11 years ago.
5 Q. Why was that?
6 A. I had a wheel go bad. I had a trauma to my
7 back and it affected the strength of my left
8 quadriceps. That's it.
9 Q. Gail lives you said in Milwaukee?
10 A. Mm-hmm.
11 Q. How often do you talk to Gail?
12 A. About the same, once a week.
13 Q. Okay. And how often do you see Gail and her
14 children?
15 A. Quite a bit more often. Because we go down
16 there, they've come up here on occasion, we go to
17 the lake together. But it's not just the one trip a
18 year, it's the week, you know, it's Labor Day and
19 Memorial Day and all that stuff. So we see Gail a
20 lot.
21 Q. And the youngest is Craig?
22 A. Craig.
23 Q. And is Craig married?
24 A. He's married, three children, 9, 6 and 4, a
25 boy and two girls.

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1 Q. Okay. And how is Craig's health?
2 A. Excellent.
3 Q. And the children?
4 A. Good as far as I know. Again, you know,
5 there's always the little things, but, you know, you
6 don't share the little things.
7 Q. No serious health issues?
8 A. If it was big we'd know about it I think.
9 We talk to him about every three weeks, too.
10 Q. Okay. And where does Craig live?
11 A. Madison.
12 Q. Wisconsin?
13 A. Yes.
14 Q. Okay. And how often do you get to see him?
15 A. More like Gail.
16 Q. Okay.
17 A. Which is because they're nearby, so we get
18 up there together and see each other a good bit.
19 Q. Okay. I understand you have a lot of
20 family, and Cliff is coming in up to the lake
21 house --
22 A. Yes.
23 Q. -- now. Is the rest of your family up there
24 now as well?
25 A. No, one family left and part of another, but

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1 somebody else is coming in and stuff like that.
2 We're a little crowded.
3 Q. Okay.
4 A. But we get along well enough.
5 Q. And there's enough grandchildren to keep
6 everyone happy?
7 A. Oh, yes, absolutely.
8 Q. You don't have any great-grandchildren yet,
9 do you?
10 A. No.
11 Q. I want to talk about your parents for a
12 couple minutes. I understand your mother passed
13 away, is deceased? Yes?
14 A. Yeah, both my parents.
15 Q. Okay. When did your mom die?
16 A. About 1985.
17 Q. And what did she die from?
18 A. Parkinson's.
19 Q. And how old was she when she passed away?
20 A. Call it 77.
21 Q. Did she have any other health issues that
22 you're aware of?
23 A. I don't really think of any. She was a
24 lifetime smoker that got away with it, or most of
25 her lifetime smoker.

10 (Pages 34 to 37)

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1 Q. Are you aware of any heart disease or
2 hypertension?
3 A. No, no.
4 Q. Any diabetes?
5 A. None of that.
6 Q. Okay. Your father I understand had colon
7 cancer?
8 A. Correct.
9 Q. Okay. And he passed at age 73, is that
10 right?
11 A. I think that's right.
12 Q. Okay, and when was that?
13 A. Well, he was born in '99, so it was probably
14 1972.
15 Q. Okay.
16 A. How's that?
17 Q. Makes sense to me. And obviously the colon
18 cancer was a pretty significant issue. Are you
19 aware of any other health issues he had?
20 A. No, I'm not. I don't remember any.
21 Q. Okay.
22 A. No.
23 Q. Do you have any brothers and sisters?
24 A. I have two brothers, both younger. Ages 73
25 and 71.

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1 Q. Okay. Both of them are living?
2 A. Both are living.
3 Q. And no other siblings?
4 A. No other siblings.
5 Q. Okay. Your brother who's 73, what's his
6 name?
7 A. Michael.
8 Q. And the other brother?
9 A. Phillip.
10 Q. Okay. And Michael lives where?
11 A. Rochester, New York.
12 Q. And how often do you talk to Michael?
13 A. Not as often as I should. You know, every
14 month or two sort of thing.
15 Q. Are you aware of any health issues
16 concerning --
17 A. He had a heart attack about -- I think I put
18 it somewhere in the material you have.
19 Q. Mm-hmm.
20 A. You know, somewhere over ten years ago he
21 had a heart attack. He had a weight problem. And I
22 think I noted he had type 2 adult-onset diabetes.
23 The heart attack was not a real bad one, but
24 it was a good, it was a good warning. And he looks
25 better than he did back then I would say.

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1 Q. And how about Phillip, where does he live?
2 A. He lives in Worcester, Mass. And I don't
3 know of any health problems that he has.
4 Q. I think you noted that both brothers had a
5 history of cardiovascular disease.
6 A. Well, Michael did, certainly.
7 Q. Okay.
8 A. I don't remember anything with respect to
9 that on Phil. Offhand.
10 Q. Okay.
11 A. I will check it if we ever get back to each
12 other.
13 Q. Okay.
14 A. Fair enough.
15 Q. That sounds fair. Are you aware of any --
16 if any of your family members have ever had any type
17 of vision problem other than wearing glasses?
18 A. Well, a daughter-in-law, but that obviously
19 wasn't an issue. Other than glasses, no.
20 Q. Okay. Are you aware of any grandparents or
21 aunts or uncles who have had cardiovascular or
22 cardiovascular issues?
23 A. My -- one of the uncles, one of my father's
24 brothers died of heart disease.
25 Q. Okay.

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1 A. That's pretty general, but that's all I
2 know.
3 Q. Are you aware of any family members,
4 grandparents, aunts or uncles, who had vision
5 problems other than wearing glasses?
6 A. No, I'm not.
7 THE WITNESS: (To Ms. Hauer) This must
8 be fun for you.
9 BY MS. LESKIN:
10 Q. Have you ever smoked?
11 A. I smoked for perhaps 15 years.
12 Q. And when did you quit?
13 A. My 10th reunion at Dartmouth College.
14 Q. Why did you quit for that?
15 A. 'Cause it just seemed like something I ought
16 to do. And I said, "Why don't we do it now. We're
17 going away for a week or two, and let's just not
18 smoke anymore." So that was it.
19 Q. Your wife smoked also at that point?
20 A. My wife was a smoker and quit about six
21 months later when the kids stopped getting up in her
22 lap but got into mine. Of all things.
23 Q. What did you smoke when you did smoke?
24 A. Cigarettes chiefly. Pipe on occasion, when
25 I wanted to feel sort of superior or something.

11 (Pages 38 to 41)

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1 Q. And how many cigarettes would you smoke a
2 day?
3 A. I was a pack a day max.
4 Q. And what type of cigarettes?
5 A. Nonfilters. Camels, whatever.
6 Q. Do you drink alcohol?
7 A. I do.
8 Q. What do you drink?
9 A. I drink probably once every day at the end
10 of the day, my wife and I have a cocktail.
11 Q. What's your cocktail of choice?
12 A. And I have, I'll have a martini, I'll have a
13 glass of wine, you know, another mixed drink or two,
14 I mean, you know, that kind of thing. I'm typically
15 a one-drink person. I might take two at a party.
16 But I've gotten old and cautious, too.
17 Q. Has any doctor ever expressed a concern
18 about your alcohol intake?
19 A. No.
20 Q. And I guess I know the answer to the
21 question but I do have to ask you, have you ever
22 been arrested?
23 A. I've been stopped for speeding certainly.
24 Q. Okay. It's not quite what I had in mind.
25 A. It's a profound example, if you think, you

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1 that?
2 A. Exactly.
3 Q. Okay. The earliest one we noted was an
4 appendectomy you had?
5 A. That was an early, that was early. Now, it
6 was late in -- I mean most people don't have them
7 when they're in their mid 50s, but I had an
8 appendectomy, an emergency, because it was a
9 ruptured.
10 Q. It did rupture?
11 A. Yeah.
12 Q. Okay. How long were you in the hospital for
13 that?
14 A. I think five days, maybe six.
15 Q. Have you had any long-term complications?
16 A. (Shook head negatively.)
17 MS. HAUER: You have to say it out
18 loud.
19 A. Six weeks of -- or six days of long-term
20 complications.
21 Q. Okay. And then you were --
22 A. Yeah, but just six days was, it was awful,
23 tubes coming out all over.
24 Q. Okay. But nothing since then?
25 A. No.

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1 know, you're -- no, I don't think I've been arrested
2 for anything. Other than a traffic thing.
3 Q. You've been arrested for a traffic or just
4 given a ticket?
5 A. Given a ticket.
6 Q. Okay.
7 A. Thank you. Thank you for clarifying.
8 Q. Because speeding rarely results in an
9 arrest. So if you were being arrested from a
10 traffic violation there was something more serious
11 there.
12 A. Yeah, no, that's fine, no problems there.
13 Q. Have you ever used any illegal drugs?
14 A. I haven't. I missed that boat.
15 Q. And you're probably better off for it.
16 A. Well, I never missed it.
17 Q. According to your records you've had several
18 surgeries during the course of your life.
19 A. Medicare is a deal. Let me put it that way.
20 Okay.
21 Q. Okay. In what way?
22 A. Well, just a bunch of the surgeries I've had
23 have been since I retired and went on Medicare.
24 It's that simple.
25 Q. And so they've covered the cost of all of

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1 Q. Okay. And then you mentioned you had trauma
2 to your back.
3 A. I have a bad back. And it's only partly
4 reparable. So I've had four surgeries to my lumbar
5 spine. Each has helped; none has cured.
6 Q. You originally told me that you had trauma.
7 Did those all begin with a particular trauma?
8 A. Well, the trauma being lifting something
9 that's too heavy, that kind of trauma, not a
10 (gesturing) physical trauma of sorts.
11 Q. No car accident or anything like that?
12 A. No, huh-uh.
13 Q. The earliest surgery that we have we saw was
14 in 1989.
15 A. That would have been the appendectomy I
16 believe or.
17 Q. That was a diskectomy?
18 A. Okay, okay, well that was in that same time
19 zone.
20 Q. Right.
21 A. That was a diskectomy, correct.
22 Q. Okay. So was there a particular event that
23 ruptured the disk at that point that required the
24 surgery?
25 A. I would say there must have been. When I

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1 came up from Milwaukee, which was in early '86, I
2 had a back -- I had a back problem, I had
3 discomfort. When I came up here, I logged into the
4 doctor, who couldn't see me for a month and a half.
5 I wasn't a crisis case, but I had real discomfort.
6 By the time I saw him, all the problems were gone
7 and I may have had a little stiffness but no big
8 deal.

9 So it was several years ago when I was
10 working in the yard, or later rather, when I was
11 working in the yard and picked up a wheelbarrow full
12 of stuff and oh, oh, and that's what triggered the
13 first event.

14 Q. Okay. And do you remember which disk it
15 was?

16 A. I think -- let me answer that this way.
17 I've talked to lumbar surgeons, and the last guy I
18 talked to said, "Mr. Stanley, if we fused your
19 backbone," which is sometimes an alternative, "you
20 wouldn't be able to step up a curb."

21 Now that -- what that's code for you have to
22 be fused in enough places that we'd significantly
23 reduce your mobility. So whether it was L4 and L5
24 the first time and L5 and L6 the second, it's there.

25 Q. So enough of those disks have been affected?

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1 A. Correct.

2 Q. Okay. And so what I understood is that you
3 had a surgery in '89, a second surgery in '90, a
4 third surgery in '97, and a surgery in 2005. Does
5 that sound about right?

6 A. About right, yes.

7 Q. Okay.

8 A. I think that's pretty close.

9 Q. Okay. You told me that they've helped but
10 they haven't resolved the problem. So today what
11 type of issues do you have with your back?

12 A. Well, I don't pick up anything heavier than
13 a dime off the floor. 'Cause it's just not smart.
14 I mean, I'm operating pretty well now, so that's,
15 let's not mess it up.

16 I have, occasionally have discomfort in my
17 lower back. And it kinda works its way out. I mean
18 it's like a twinge or something.

19 Q. Mm-hmm?

20 A. And it's what's left over from what's there,
21 you know.

22 The chief thing that I notice is the
23 weakness in my left leg, which came as a result of
24 in 1997. And that was sorta helped but not repaired
25 completely. So I have weakness, still have weakness

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1 in my left quad.

2 And I have numbness in both of my lower
3 legs.

4 Q. Okay.

5 A. Which are challenging from the standpoint of
6 mobility and walking and stuff like that. I wear a
7 brace on my left leg (gesturing).

8 Q. Okay. You said first that you had some
9 weakness in your left quad as a result of the
10 incident in '97. Did the weakness precede the
11 surgery? Or is that a result of the surgery?

12 A. It was there before the surgery and it was
13 pretty much still there after the surgery, but other
14 things were better.

15 Q. Okay.

16 A. Discomfort side of things was better.

17 Q. So it wasn't a complication from the surgery
18 that caused this?

19 A. No, it certainly was not. It was something
20 that it turned out couldn't be fixed.

21 Q. And the numbness in your lower legs, is that
22 the same thing?

23 A. Well, that's been coming on. My wife, you
24 will learn, has peripheral neuropathy; it's genetic.
25 It isn't something I inherited. But in a sense, I

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1 have -- my leg weakness in the lower legs anyway, is
2 sort of a peripheral neuropathy. But I don't have
3 diabetes. No, I don't have, you know, I've been to
4 see neurologists and they've tested me for this,
5 that and the other thing, and they can't say well
6 oh, that's such-and-so. But that's the way
7 neurologists are anyway.

8 Q. Right.

9 A. I think.

10 Q. But do they -- so do they attribute it to
11 the problems you've had with your back? Or do they
12 think it's something separate?

13 A. That's still up in the air. The key is it's
14 there, it's a fact, it's a limitation.

15 Q. And the numbness in your lower legs, when
16 did that begin?

17 A. Probably before we even came up here. I
18 remember being tested by a guy for -- 'cause I had
19 a, you know, back discomfort. And what he did was
20 with little needles he tested the outside edge --
21 the outside of my left calf. And found a couple of
22 dead spots. Well, he's looking for where nerves
23 aren't working, isn't he. (Gesturing.) So that was
24 probably the first time. And, you know, it was a
25 spot that didn't react to a pinprick.

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1 Q. When did the numbness in your lower legs
2 begin to affect your mobility?
3 A. Probably -- well, the trauma to my back in
4 '97 is -- was the first event of my mobility issues.
5 I mean, I couldn't ski 'cause I couldn't turn right.
6 And I couldn't play tennis 'cause I couldn't get
7 anywhere. So that's, I mean the weakness in my leg
8 is dated to then.
9 Q. Did something happen in '97 -- we talked
10 that you had the surgery in '89 and another surgery
11 in 1990, but what happened in '97 to pursue that
12 surgery?
13 A. In '97, other than -- unlike the '91 was,
14 which was sort of I think a follow-up sort of.
15 Q. Okay.
16 A. In '97 I strained my back fishing for tarpon
17 off of Florida. Tarpon are big fish. And you lean
18 back hard enough and you're standing on the deck,
19 you're not in a chair, you can do damage to
20 yourself, and I did. So again, so I'm coming home
21 and I have a significant weakness in my left leg and
22 a limp and the ability if I don't walk carefully to
23 fall. And so that needed fixing.
24 It got partly fixed, the falling part got
25 partly fixed, but the numbness and the weakness

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1 Q. Okay. And that affected your ability to
2 play tennis, to ski and things like that nature?
3 A. Mm-hmm. And ultimately I decided to get a
4 brace.
5 Q. Does it continue to affect your ability to
6 walk and do activities?
7 A. Absolutely, oh, yes, yeah.
8 Q. Have you ever had to use any kind of a cane
9 or a walking stick?
10 A. I use a walking stick when I just go for a
11 walk in the neighborhood, or if I'm up north and
12 want to go out on the road and walk, I -- it's just
13 smart. I don't have to do it around here. I
14 suppose I could have brought a cane in this morning
15 and done an act for you, but I don't have to. I can
16 walk on foot. I don't like surprise steps or half
17 steps or, you know, that kind of thing. I can
18 stumble on that.
19 Q. Okay. Have you had problems with falls
20 since the back surgery?
21 A. I fall once in a while. If I were to say
22 how often, it might be three or four times a year.
23 But I work pretty carefully at not falling. Doesn't
24 seem like a good idea. It's lousy to fall when
25 you're old.

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1 never went away.
2 Q. And was that a pretty sudden onset after the
3 fishing event?
4 A. Yeah, day or two.
5 Q. Okay.
6 A. It was A followed B -- or led B I should
7 say.
8 Q. But was it like, I question more was it a
9 sudden, all of a sudden? Or was it a gradual
10 increase?
11 A. It was gradual, but over just a couple of
12 days.
13 Q. Okay. And so by the time you got back home
14 it was almost unbearable? Is that fair?
15 A. Well, it wasn't painfully unbearable, it was
16 weakness unbearable. I came home and I had to fly
17 out to Portland. And man, I didn't belong in
18 Portland at that point.
19 Q. Portland, Oregon or Portland, Maine?
20 A. Either one, it's a long way away. Portland,
21 Oregon.
22 Q. And you said that the back surgery in '97
23 helped resolve that, but you still have some
24 residual weakness?
25 A. Certainly do, yes.

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1 Q. You haven't had any hip replacements or
2 anything like that --
3 A. No.
4 Q. -- of that significance?
5 A. No.
6 Q. And then you had your back surgery in 2005?
7 A. That was a -- I must have done something and
8 I went to see the neurosurgeon and he said I think
9 we can fix that easy. And it was I think an
10 overnight deal. It wasn't profound, but it was a
11 repair. And again, it worked but didn't cure.
12 Q. Okay. Did that -- did the injury that led
13 to that surgery exacerbate any of the existing leg
14 weakness or back pain?
15 A. I wouldn't say so, no. I had the --
16 certainly had the brace before then.
17 Q. Okay. Have you taken any medications for
18 your back problems?
19 A. You heard 'em.
20 Q. Just the acetaminophen?
21 A. Yeah. I have ongoing medications, but
22 they're all, they're heart related or they're
23 urinary related or something like that.
24 Q. Okay. So you haven't taken any Vioxx or
25 Celebrex or any of the NSAIDs?

14 (Pages 50 to 53)

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1 A. No, none of them. I don't like having to
2 take medicines, frankly.
3 Q. You told me about your gallbladder surgery
4 in 1999 was it?
5 A. Yes, that's about right.
6 Q. Okay. And what led up to that surgery? You
7 told me you were having various issues, but what
8 were the specific issues that you noted?
9 A. Well, that, I woke up -- I felt a little
10 peaked the day before, little sort of out of sorts.
11 And I woke up that morning, my wife -- we were to
12 leave for South Africa that very day on a tour. And
13 I woke up and I had more discomfort. And my wife
14 had to go do a two-hour errand, we were leaving
15 late, and it got worse.
16 And I drove down to the hospital and checked
17 myself in. I said, "I've got something wrong." And
18 they -- when you go and you say, "I've got a pain
19 here" that's close enough to your heart, they put
20 you right to the front of the queue.
21 And so they, you know, hooked me up to
22 machines and did all this and that. And of course,
23 that's when they came up with the fact that I had a
24 gallbladder and I had the atrial flutter that was
25 being aggravated by the gallbladder issue.

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1 Q. And so they removed the gallbladder?
2 A. Absolutely.
3 Q. Have you had any problems with that since
4 then?
5 A. None whatsoever.
6 Q. Without a gallbladder it's hard to have
7 problems with your gallbladder.
8 A. Yeah, there were no problems as a result of
9 that.
10 Q. Okay.
11 A. Other than the fact that your gallbladder
12 typically lets its, whatever its juices are, go when
13 you eat. When you don't have a gall -- because it's
14 taking whatever, you know, your digestive juices
15 from someplace and it holds 'em until you eat, and
16 then it drops them into your stomach.
17 Well, you don't have a gallbladder, you've
18 got a sort of a through-put thing. I mean, it's
19 happening all the time. And so that's, that's an
20 inconvenience that comes from that.
21 Q. Okay.
22 A. I take Citrucel for that, which is a stool
23 bulking agent that kind of makes everything work
24 okay.
25 Q. Okay. And then you had prostate surgery as

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1 well, correct?
2 A. Yes.
3 Q. And that was in March of '99?
4 A. There were two events there.
5 Q. Okay, the first one was March of '99?
6 A. March of '99 I believe.
7 Q. Okay. And they found cancer at that point
8 in time?
9 A. They had diagnosed cancer. And so they went
10 in to treat it. Now, I had the seeds treatment.
11 You know about that?
12 Q. They implant the radioactive seeds?
13 A. Right.
14 Q. Okay.
15 A. And it was a relatively simple procedure, it
16 was sort of one-day kind of stuff.
17 If I had it to do over I wouldn't have, I
18 would have had the old sort of gold standard and had
19 the surgery and had it taken out.
20 Because the first time, the seed thing
21 didn't work. In other words, my PSA crashed, but
22 then it, you know, a year later or something it
23 started to pick up.
24 Q. You had a second surgery about five years
25 after?

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1 A. A second procedure.
2 Q. Okay.
3 A. And it was called cryosurgery. And it's
4 something you can do after you've been through the
5 seed thing. And what it does is it freezes your
6 prostate and basically kills the tissue which is
7 absorbed by your body. And things have been good
8 since.
9 Although, I should say that my PSA is high,
10 but steady. In other words, the doctor says as long
11 as it comes in at 10, it's okay. It means nothing's
12 growing.
13 Q. Okay.
14 A. Which is good.
15 Q. So you haven't had any additional recurrence
16 as far as you know?
17 A. None of that, no.
18 Q. Did you have any complications from either
19 of the prostate surgeries?
20 A. The Detrol overcomes that intense need to
21 pee. And so if that would be a complication.
22 Q. And that's a result of the April 2004
23 surgery, the cryosurgery?
24 A. I think it -- I don't recall the timing on
25 that. I'm guessing it was after the second surgery,

15 (Pages 54 to 57)

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1 after the cryosurgery.
2 Q. Okay.
3 A. I think that's right.
4 Q. And both of those were performed by
5 Dr. Robert Gaertner, correct?
6 A. Yes.
7 Q. Okay.
8 A. He -- he was there. He was the attending
9 urologist. Somebody else planted the seeds. They
10 team up on these things. And the cryosurgery was
11 similar.
12 Q. Okay. You also had a colon resection?
13 A. Oh, I didn't mention that.
14 Q. No, you didn't mention that yet.
15 A. Oh, no, no. No, my father, colon cancer,
16 that was in the record. When I was about 60, going
17 in for my annual physical, my doctor said -- you
18 know, we were talking, just sorta doing history or
19 reviewing history or something, and I said, you
20 know, "Remember, my father died of colon cancer."
21 And he said, "You know, I'm not going to do the exam
22 on you, I'm going to send you to a specialist. In
23 other words, you're at an age now where it's a good
24 idea."
25 Well, I went to whatever they call,

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1 whatever they call 'em, and he did a, you know, a
2 complete sort of visual, audiovisual scan of my
3 colon. And found a couple of polyps. And one was,
4 you know, it was iffy enough that it needed checking
5 out and all that kind of stuff. Well, it turned out
6 fine and no problem.
7 But he said, "I want to see you back here in
8 two years," and that kind of thing. And so I had
9 been going to him every -- I went a year or two
10 later and then I went maybe several years after
11 that. Somewhere in the middle of all of that, he
12 passed away. And I got another guy. And then he
13 was hired away by Harvard or something. And so --
14 and of course, you know, everything, these guys
15 specialize in this, so I got a call one day and
16 actually it was on the guy who -- the second guy was
17 the one who died, I got a call one day saying,
18 "Mr. Stanley, this is Dr. Gemlo, we're sort of
19 checking through records and making sure that we've
20 got all the Ts crossed on Dr. So-and-So's patients,"
21 who's the guy that died of a heart attack.
22 And I'd been out of town, I didn't even know
23 about it. So and he said -- and he said, he
24 reviewed things with me, and he said, "I think you
25 ought to come in, because I've read your history,"

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1 blah, blah, blah.
2 I went in and he said -- oh, no, I guess I
3 had a scope then. And he came out and right at the
4 juncture of my colon and my ileum, large and small,
5 was what appeared to be a polyp. But it was in an
6 awkward place to take out the easy way. And he
7 said, "Look," he said, "I can't -- I can't take this
8 out -- be sure I get everything and all that," and
9 he said, "Given your history, I think you ought to
10 have a resection now rather than five or ten years
11 from now, have it now when you're in decent
12 condition to have surgery like this."
13 And I said, "Oh, okay." So he came -- he
14 went in and took out a noncancerous piece of that
15 juncture, which is where the polyp was. There was a
16 polyp there, it was, you know, modest size, and it
17 turned out to be benign. But it was this insurance
18 policy. Now, the thought of having insurance --
19 having surgery like that as an insurance policy is a
20 real drag. But it sort of, the issue is behind us
21 now. And it's not bad when they don't, you know,
22 when you know that you're going to come out of it
23 okay, because it probably isn't a problem now. So
24 that was good.
25 Q. Okay.

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1 A. That's how that all happened.
2 Q. And there were no complications from that
3 surgery?
4 A. No complications, no nothing.
5 Q. Have you ever had any type of weight issue?
6 A. Perennial. I weigh 198, give or take now,
7 at my home scale. I've been a hundred -- excuse me,
8 I've been up to 221. But that's the highest ever.
9 But it's a constant sort of battle. But I try and,
10 you know, I'd like to get down to 180. And maybe I
11 will someday.
12 Q. How long have you been up at 198?
13 A. Actually it's down at 198.
14 Q. Down? Okay.
15 A. Oh, maybe six months, something like that.
16 Q. You said you were up to 221 was the highest?
17 A. Yes.
18 Q. When was that?
19 A. Oh, some years ago. Maybe 15 years ago,
20 something like that. Most of the time I've been 200
21 to 210.
22 Q. And that's been pretty constant?
23 A. I would say so, yes. I get -- it goes down
24 and I say oh, boy, I can eat a little. Then it goes
25 up and I say well, I better not.

16 (Pages 58 to 61)

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1 Q. Has any of your doctors ever recommended you
2 lose any weight?

3 A. They've suggested, you know, "You're a
4 little heavier than you should be, Mr. Stanley,"
5 that's the kind of thing they say. I'm clearly not
6 obese, I don't have a huge problem, "but you could
7 be a little less, Mr. Stanley."

8 Q. How tall are you?

9 A. 5'11". I was once anyway.

10 Q. You told me a little bit earlier about your
11 hypertension, your borderline hypertension,
12 sometimes it's high, sometimes it's low. When did
13 anyone first tell you that they were concerned about
14 your blood pressure?

15 A. Well, assuming that the reason I started
16 taking those pills 35 years ago was because it was
17 on the edge of concern or something, and he said,
18 "Why don't you take this." You know, it's just a
19 water pill, it's a -- it was a mild diuretic, it's a
20 little tiny thing, and take it. So that was long
21 ago.

22 Q. About 35 years ago?

23 A. I would say.

24 Q. Do you know what your blood pressure levels
25 were at that point?

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1 A. I would be guessing.

2 Q. Okay.

3 A. But I would say this, that for most of my
4 adult life, you know, if you said 120 to 150
5 diastolic and anywhere from 70 to 95 systolic, that
6 would be the range 90 percent of the time or 95
7 percent of the time, something like that.

8 Q. It's actually reversed. The systolic is the
9 higher number.

10 A. Yeah, whatever it is.

11 Q. Okay.

12 A. Systolic, diastolic -- okay. I don't
13 remember. I'm not paid to know that stuff.

14 Q. That's fine. Do you monitor your blood
15 pressure at home?

16 A. No.

17 Q. Have you ever?

18 A. I have.

19 Q. When was that?

20 A. I don't know, for some reason I thought it
21 would be a good idea several years ago.

22 Q. Several years ago meaning?

23 A. Two, three years, something like that.

24 Q. Okay.

25 A. And it didn't agree with the doctor's and I

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1 would trust the doctor's more, so I kind of gave it
2 up.

3 Q. Did you ever keep a log of your blood
4 pressure?

5 A. No, I didn't.

6 Q. Do you still have your blood pressure
7 machine?

8 A. It's somewhere, yeah.

9 Q. Okay. Did any -- in the course of treating
10 your blood pressure, did any doctor recommend diet
11 and exercise as a way to lower your blood pressure?

12 A. It seems to me that that's the kind of
13 recommendation I would have gotten. Because I
14 wasn't gross, I wasn't obese. My brother got -- my
15 shorter brother got up to 275 or something. That's
16 different. But, you know, "Are you a regular
17 exerciser, Mr. Stanley?" "Yes." You know. Do
18 you -- and you know, "You can always keep the weight
19 off a little bit, it's a good idea." That was, it
20 was that kind of thing. It was, "Your overall
21 condition is fine," and blah, blah, blah, "but you
22 can lose a little weight," and so forth.

23 Q. What type of -- you said you're a regular
24 exerciser. What type of exercise do you do?

25 A. Well, I was a jogger for many years,

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1 probably 30 years. Played a lot of tennis. Skied.
2 Squash. I liked exercise. I miss it.

3 Q. You said in '97 after your back problem you
4 stopped playing tennis and skiing?

5 A. Well, that's when my leg didn't want to work
6 anymore.

7 Q. Right. Were you jogging up until 1997?

8 A. Yes, yup.

9 Q. Do you ever do any jogging since then?

10 A. Nope. I've tried it, I kept convincing
11 myself that if I could just get out there and do it,
12 I would get over this weakness. And it didn't work.

13 Q. Have you done any exercise regularly since
14 '97?

15 A. I do, I do exercise.

16 Q. What do you do?

17 A. I have a couple of machines in the basement.

18 Q. What type of machines?

19 A. I do a Nordic Track, is the sort of good
20 sort of overall thing. But then I do lift some
21 weights and I, you know, stuff that's good for my
22 back, too. I have some physical therapy things that
23 they've given me that seem to stabilize my back a
24 little bit.

25 Q. And how often do you do that exercise?

17 (Pages 62 to 65)

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1 A. Anywhere from one to five times a week. I
2 don't do it up north but, you know, I'm walking and
3 stuff like that.

4 Q. Okay. Do you recall any of your doctors
5 commenting on your diet in order to control your
6 blood pressure?

7 A. No.

8 Q. Has any doctor ever recommended a low salt
9 diet?

10 A. I've heard low salt, but I don't know if
11 I've seen it in the public press or from a
12 physician, I can't tell you that.

13 Q. Have you tried to keep a low salt diet?

14 A. I've tried it on occasion. I don't like it.

15 And I read something recently that if you use sea
16 salt, it's much better for you.

17 Q. So have you changed to sea salt?

18 A. I'm using sea salt.

19 Q. When did you change?

20 A. Oh, three months ago, something like that.

21 Q. I think I read that as well, I remember
22 that. Because I remember looking in my drawer
23 whether I had sea salt.

24 A. Well, you read that stuff and you say, well,
25 gee, maybe this is the answer to eternal life.

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1 started taking the water pill, discussed with you
2 any of the risks associated with elevated blood
3 pressures?

4 A. No. You know, it's, again, it's that
5 marginal thing. I take the pill, sometimes I'm 120,
6 sometimes I'm 145 or something, and so ho-hum.

7 I have a tendency once in a while to -- I
8 think it's to react to the white uniform. You know
9 what I'm talking about?

10 Q. Mm-hmm -- yes.

11 A. Sometimes, you know, sometimes I'll be 165.
12 Like when I've gone in for surgery and they take
13 your blood pressure every 20 minutes, well, I'm up
14 at 165 or 70. But I think I know why.

15 Q. Okay. Have you discussed that with your
16 doctors?

17 A. No.

18 Q. Has any doctor ever told you you have a
19 white coat issue with blood pressure?

20 A. Oh, I maybe have gotten that from a lab
21 assistant or a doctor, I'm not sure, I can't tell
22 you.

23 Q. Have you ever done a monitor, a 24-hour
24 blood pressure monitor?

25 A. I've done a Holter monitor, yes.

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1 MS. HAUER: I may have to buy some.

2 BY MS. LESKIN:

3 Q. But you don't recall any doctor ever
4 recommending to go on a low salt diet?

5 A. No. 'Cause, you know, I probably didn't
6 have the overt symptoms that said this is something
7 we gotta watch real close, that kind of thing.

8 Q. When your doctors told you -- put you on the
9 diuretic to help your blood pressure, did they tell
10 you why it was important to treat your blood
11 pressure?

12 A. That was 35 years ago.

13 Q. Okay. Did they tell you 35 years ago why it
14 was important to treat your blood pressure?

15 A. I presume so. I had a good sort of dutiful
16 doctor, and he probably said words like, "Well,
17 Mr. Stanley, you know, you're a little -- you're
18 registering a little high, or you're 145 or
19 something." And he said, "You know, I think it
20 would be a good idea, here you are just 35 years old
21 or 40 years old, why don't you start taking this.

22 It's a water pill, it's a diuretic, it won't affect
23 you in any other way." And it probably happened
24 that way. But I can't say.

25 Q. Okay. Have any of your doctors, since you

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1 Q. Okay, to watch your blood pressure or your
2 heart rate?

3 A. Heart rate.

4 Q. Okay. Have you ever done a blood pressure
5 monitor to check your --

6 A. No, I haven't.

7 Q. Have you ever taken any other medications to
8 treat your blood pressure besides the diuretic?

9 A. No, I haven't.

10 Q. Did any doctor ever tell you that your blood
11 pressure was suboptimally controlled?

12 A. Suboptimally?

13 Q. Yes.

14 A. I've never heard that term used in that way.

15 Q. So you don't recall any doctor telling you
16 that you had suboptimal control of your blood
17 pressure?

18 A. No.

19 Q. Did you ever tell your doctor that you were
20 reluctant to add additional blood pressure
21 medications?

22 A. Nope.

23 Q. You don't recall having that conversation
24 with the cardiologist?

25 A. No.

18 (Pages 66 to 69)

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1 Q. We talked earlier --
2 A. Actually at one point, and I'm not sure why,
3 we actually reduced the size of the pill I was
4 taking for -- of that water pill.
5 Q. Okay, when was that?
6 A. Oh, within the last seven or eight years,
7 but I'm not sure why. Maybe it was 'cause I was
8 taking, maybe it was because I was -- needed
9 potassium. And they fight each other. And he said,
10 "Well, we can cut that water pill down by half and
11 then maybe you won't need to take so much
12 potassium."
13 Q. And which doctor recommended that?
14 A. That would have probably been my GP,
15 Dr. John Gaertner. And that's within ten years, but
16 I haven't a clue on when.
17 Q. You told me earlier about your atrial
18 fibrillation that they found. Yes?
19 A. They call it a flutter.
20 Q. Okay. Have you ever heard the term
21 "fibrillation"?
22 A. Yes.
23 Q. Okay. Have they used it interchangeably or
24 have they told you that's a different thing?
25 A. I've really never figured that out. And

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1 they must spring from similar roots. They affect
2 the same area of the heart. And a flutter -- and
3 they've called mine a flutter. Now, maybe it's
4 'cause it comes and goes, where fib will stay. I
5 don't know.
6 Q. Have any of the doctors talked to you about
7 the risks associated with an atrial flutter?
8 A. I'm sure.
9 Q. What do you recall those risks to be?
10 A. Well, you know, the chief one is the, the
11 blood clot. Apparently your atrium is not what does
12 the major pumping, it's just a sort of a transfer
13 area. And so it's the whatever the lower ventricle
14 is, they do the heavy work. The risk of that -- the
15 risk of this flutter/fib, whatever it is, is that
16 it's the timing mechanism. And if its -- if its
17 timing mechanism, if its timing doesn't work, then
18 somehow it makes the, the lower section, throws it
19 off and pumps real fast or something like that. And
20 that's not good.
21 So that's why, you know, we have the meds
22 that they approve to ward off the risk of the clots.
23 And finally, it got to the point where they
24 decided, after I'd had a stress test, that it made
25 sense to talk to me about the ablation.

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1 Q. And what is your understanding of what
2 ablation is?
3 A. My understanding is that it involved dealing
4 with short-circuiting, whatever it is, of the
5 electrical circuitry that is part of the whole
6 timing mechanism in my atria.
7 Q. Okay.
8 A. I think.
9 Q. And what did they do as part of the
10 ablation?
11 A. Well, they laid me down and put me to sleep
12 is what they did.
13 Q. Okay.
14 A. But, you know, they ran some, something up
15 one of my, you know, whatever that, whatever the
16 particular vein or artery is, and I'm not sure. And
17 they went up there and they mapped the thing. I
18 mean, they do a very extensive mapping before they
19 do any short-circuiting of basically what it
20 short-circuits I guess. That's my understanding.
21 Q. Okay. And how long were you in the hospital
22 for that?
23 A. Twelve hours.
24 Q. And then you went home?
25 A. Yup.

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1 Q. Any complications following the ablation?
2 A. No. And indeed, I think it was quite
3 successful. I saw my -- the guy who did the surgery
4 here just a few months ago, and he's happy with
5 things.
6 Q. Have you ever heard the term "atrial
7 tachycardia"?
8 A. I might -- I'm not sure if I've heard it or
9 not. I might try and decode it as tachycardia
10 having to do with very fast heartbeat. But that's
11 all I can really say on that subject.
12 Q. Has anyone told you that you have paroxysmal
13 asymptomatic atrial tachycardia?
14 A. No. No, should I be ashamed?
15 Q. Your cardiologist hasn't told you that?
16 A. I'd never heard that term or, you know, no.
17 Q. Have you heard the condition called
18 His-Purkinje disease? H-I-S - P-U-R-K-I-N-J-E?
19 A. I don't believe so.
20 Q. No one's ever told you that you have
21 His-Purkinje disease?
22 A. No, I haven't, I've never heard that.
23 Q. Haven't had that conversation with your
24 cardiologist?
25 A. No.

19 (Pages 70 to 73)

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1 Q. Are you able to tell when your heart is in
2 atrial flutter?
3 A. I don't think it atrial flutters anymore.
4 Q. I'm sorry, say that again?
5 A. I say I don't believe it atrial flutters
6 anymore.
7 Q. Okay, why is that?
8 A. Well, because they in effect corrected it by
9 dealing with the left or right atrium.
10 Q. Okay, so before the ablation were you able
11 to tell when you had flutters?
12 A. I would feel, you know, like I might feel
13 warm. Or I might feel a little weird. But that was
14 all.
15 Q. Did you ever get dizzy or light-headed?
16 A. Interesting point. When I was a jogger,
17 before the -- I mean this goes back to well before
18 the atrial flutter was diagnosed. When I was a
19 jogger and I had the bad -- just before, maybe
20 within a year of when I had the trauma and couldn't
21 jog anymore, there were several occasions where I
22 jogged and wound up dizzy after I was down the road
23 300 yards.
24 And looking back, my guess is that I
25 probably was having an atrial flutter and didn't

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1 know it. When I saw the cardiologist the first
2 time, she said, "I think you may have been having
3 this for some time."
4 Q. You told me that you understood a risk of
5 the flutter to be a stroke from a clot?
6 A. That seems to be the big focus. As long as
7 your heart's sorta pumping on right, that's the big
8 focus.
9 Q. Did any of your doctors ever discuss with
10 you that the clots could go to places other than
11 your brain?
12 A. I don't believe so. But I don't think it
13 was -- I don't think it was, I mean you could, you
14 know, blood clots can presumably go anywhere. Or
15 anywhere that the arteries will take them.
16 Q. Okay.
17 A. Veins bring 'em back. I don't think that
18 was discussed.
19 Q. One of the medications that you took to
20 treat your flutters is Cardizem, correct? Correct?
21 A. Yes.
22 Q. And you're continuing to take the generic
23 version of that today, right?
24 A. Yes, yes, ma'am.
25 Q. And you started that back in 1998? Does

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1 that sound about right?
2 A. Yes, mm-hmm. I don't know about the
3 Cardizem part. I can't tell you that. I do know
4 that the anticoagulant.
5 Q. The Coumadin?
6 A. Yeah, the Coumadin. Actually I take
7 warfarin. But that, I started taking that right
8 after I saw the cardiologist, because she had in
9 effect discovered that I had that. And she said,
10 "Come and see me in six months." Well, I never got
11 the word that I was supposed to keep taking it. So
12 when I got back to her and she says, "Well, you
13 know, how's your PSA?" And I said, "Well, I don't
14 know, how is it?"
15 And we figured out that I had not understood
16 her instructions. So at that point I started taking
17 that.
18 But I don't remember what else I was taking
19 at the time. But I've taken Cardizem or the
20 equivalent for a long time.
21 Q. The medical records indicate that you
22 started it back in September of '98.
23 A. Okay, well, that was right off, right out of
24 the box then.
25 Q. Okay. Now you told me that you currently

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1 take warfarin. At some point did you change from
2 Coumadin to warfarin?
3 A. Well, I think it's our duty as citizens to
4 take effective drugs that are least expensive. And
5 Coumadin costs twice as much as warfarin, and
6 neither of them cost very much. And I said, "Would
7 you write this prescription for warfarin instead of
8 Coumadin?" And the cardiologist or whoever it was
9 said "Yes" and I said, "Okay, do it."
10 Q. And when did they make that change?
11 A. Oh, within the last year and a half or two
12 years. The interesting thing is that I seem to have
13 a more stable PSA with warfarin than I did with
14 Coumadin. Which doesn't mean anything at all I
15 guess.
16 Q. Do you recall your cardiologist -- well,
17 back up. Are you aware that Cardizem is also used
18 to treat blood pressure?
19 A. I, you know, I don't know what pill does
20 what, so I'm not really sure on that.
21 Q. Okay. Did anyone ever tell you that
22 Cardizem could have an effect of lowering your blood
23 pressure?
24 A. That's possible, I don't know. I think, you
25 know, basically I'm taking Cardizem and Digitek to

20 (Pages 74 to 77)

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1 sort of maintain regularity in my heartbeat. That's
2 what my understanding is. If there are other
3 benefits, that's fine.
4 Q. Do you recall a conversation with the
5 cardiology clinic in May of 2000 where they
6 suggested increasing your Cardizem for better blood
7 pressure control?
8 A. I don't, but that doesn't surprise me.
9 Q. Did you ever increase your Cardizem in order
10 to better control your blood pressure?
11 A. I know I'm taking a bigger pill than I took
12 at first. If I was taking 120, I've gone to 180 and
13 now I'm at 240.
14 Q. Okay. And do you know when you increased to
15 240?
16 A. Probably within five years.
17 Q. Medical records indicate they increased you
18 to 240 back in November of 1998.
19 A. Well, there I am.
20 Q. Okay.
21 A. If I'm taking 240 now, maybe they stepped it
22 down. Because it seems to me like 240 isn't that
23 old. And I wonder if in my own mind whether that
24 was stepped down. And I can't -- I can't guarantee
25 you on that.

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1 Q. At some point in time, did they take you off
2 of Cardizem and put on you a drug called sotalol?
3 A. Sotalol is a drug that I tried after Viagra
4 failed me. I think I wrote down sotalol in my essay
5 there or my summary there. It was -- my urologist
6 told me that it in some men helps with ED. Is that
7 what we call it, ED? Yeah.
8 Q. Mm-hmm.
9 A. And I tried it. And indeed, I even saw my
10 cardiologist soon after taking it, and she said,
11 "Well, how did you react to that?" And I said, "The
12 only thing it raised was my blood pressure." So I
13 only took it, you know, a handful of times maximum.
14 Q. Okay, you don't recall it -- did you --
15 well, stop, let me back up.
16 Did you ever stop taking your Cardizem when
17 you started taking the sotalol?
18 A. No, no, they were not seen as part of the
19 same box.
20 Q. When you were taking Cardizem as the brand
21 name, where were you getting the medication from?
22 A. Until I retired -- no. Well, let's see.
23 Again in keeping with my philosophy on drug prices,
24 I was using drugstore.com for many of my meds. And
25 that continued when I started getting on regular

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1 drugs. You know, if you need something for two
2 weeks, you get it at the drugstore. When you get
3 into regular stuff, which would have been, you know,
4 sort of in the late '90s there, right? When you get
5 into regular stuff, that's when you want to order it
6 and, you know, get it at the right price. And so
7 that's probably when that occurred.
8 Did I answer the question? I have a feeling
9 I strayed.
10 Q. Well, you said it was probably when that
11 occurred. My question is back in 1998, 1999, 2000,
12 2001 --
13 A. Where was I getting.
14 Q. Let me ask the question.
15 A. You're right.
16 Q. 1998 through 2001, where were you getting
17 your Cardizem?
18 A. Probably drugstore.com. I ordered from
19 drugstore.com all of the meds I could until Medicare
20 D came in, and then there were better deals
21 elsewhere.
22 Q. Okay. Do you have any receipts for any of
23 your medications from drugstore.com?
24 A. It seems to me that I got one thing from
25 them. Somewhere in the material that was made for

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1 you and of which I have a copy, somewhere in that
2 material there was a little sheet with a receipt.
3 And it was, and it was for \$170 or something. And
4 I'm not sure what it was for, but it probably had to
5 do with Viagra.
6 Q. Okay. Do you have a receipt from
7 drugstore.com for your Cardizem?
8 A. Probably not. I, you know, I mean I take
9 slips and I throw 'em in folders, but I get too many
10 folders and I throw the folders out.
11 Q. At some point you were also taking Digitek?
12 A. Digitek is -- yes, I still, I do take
13 Digitek.
14 Q. Okay.
15 A. It has the name digoxin also. And Lanoxin.
16 They're all three the same I believe.
17 Q. Okay. And those you were getting from the
18 Rite Aid drugstore, correct?
19 A. From drugstore.com. I believe.
20 (R. Stanley Deposition Exhibit No. 1
21 marked for identification.)
22 Q. We've marked as Stanley Exhibit 1 a
23 printout, page of a printout from Rite Aid. Bates
24 No. RSTAN 00015.
25 A. Okay.

21 (Pages 78 to 81)

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1 Q. Mr. Stanley, this is a printout that I think
2 you produced to us from Rite Aid drugstore.
3 A. Could be. I didn't, but somebody did.
4 Q. Okay. And if you look, there's some dates
5 there on -- this has some prescriptions that you
6 filled at Rite Aid between January 2000 and June
7 2001. And you'll see there's several printouts here
8 for digoxin and Digitek.
9 A. Okay.
10 Q. Which we spoke about. There's also some
11 prescriptions here for Coumadin. You'll see that.
12 A. Right.
13 Q. You'll see there's a couple prescriptions
14 for Viagra.
15 A. Yup.
16 Q. For K-Dur and your potassium pills. So I
17 guess what I'm trying to understand is what
18 medications were you getting from Rite Aid during
19 this period of time and what medications were you
20 getting elsewhere?
21 A. I have, I have a tendency to try and get all
22 my medications in one place. And the specific dates
23 on when I -- I mean, you know, what this says to me
24 when I look at those dates, what I obviously was
25 getting my regular meds and then Viagra for a period

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1 Cardizem, at that point I was still dealing with
2 drugstore.
3 Q. Okay.
4 A. Now and if -- at one point when this all
5 sort of started to take on a life of its own, I went
6 to drugstore.com and asked them for some records.
7 And they were, you know, they throw everything away
8 after 20 minutes or five years or something. So
9 there was, you know, they couldn't help me on most
10 things. And the receipt that you have there is
11 probably the only event that drugstore.com records.
12 The fact this is available, I never even
13 tried to get this, I don't think. Now this is from
14 their Rite Aid legal department. I wouldn't have, I
15 wouldn't have contacted them. You folks would have
16 or somebody would have, somebody else would have.
17 Q. Okay. My question solely, though, is where
18 were you filling your Cardizem prescriptions in this
19 period of time?
20 A. I would guess, 95 percent sure,
21 drugstore.com. Now, that isn't what shows, because
22 theoretically this is drugstore.com (indicating).
23 Q. Thus my confusion.
24 A. And that's a reasonable question. And I
25 don't know the answer there. But I was getting

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1 there from Rite Aid. Hold it, Rite Aid, that's
2 drugstore.com.
3 Q. Okay.
4 A. That's drugstore.com. Okay. Now we're on
5 the same page.
6 Q. Explain that to me.
7 A. Drugstore.com is an Internet Web site on
8 which you can order your medications. They are sent
9 from someplace in Pennsylvania. And I see Camp
10 Hill, Pennsylvania at the top.
11 Q. Okay.
12 A. So this is consistent with what I said.
13 This is just a different name.
14 Q. Okay.
15 A. I believe.
16 Q. Okay. But you'll notice, though, that on
17 this printout then there are no prescriptions for
18 Cardizem.
19 A. Then at that point -- boy, that's digging
20 back in recollection. I was getting Cardizem or
21 whatever the other names are during that period,
22 because I was taking 'em. So and this was over a
23 long enough period from January of 2000 to June,
24 July -- June of '01, that's a long enough period
25 that I bought Cardizem. So I'm sure that I got

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1 them.
2 Q. Okay.
3 A. But that's fascinating. And I'd have to
4 think a while on that. I mean maybe it was local
5 drugstore, Snyders Drug Store might, nearby, is
6 maybe the place I was getting. Why I was getting
7 there, maybe I checked prices and the price was
8 better at Snyders.
9 Q. Okay.
10 A. Because this is a maintenance drug, it
11 doesn't need hurry up and get it today.
12 Q. So you were getting at the same period of
13 time some of your prescriptions filled at Snyders
14 Drug Store?
15 A. Could be.
16 Q. Do you have any records from Snyder Drug
17 Store?
18 A. No.
19 Q. When you were taking the sotalol, where did
20 you get that prescription filled?
21 A. I think it was a sample. Does it say there?
22 Q. I don't have any information about it.
23 A. Okay. Okay. My guess is it was a sample.
24 You know, doc says, "Try this."
25 Q. Okay. And which doctor gave you that

22 (Pages 82 to 85)

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1 sample?
2 A. Robert Gaertner.
3 Q. I can tell you that Dr. Gaertner's records
4 don't -- I can represent to you that Dr. Gaertner's
5 records don't make mention to sotalol as a potential
6 treatment for your ED.
7 A. Well, then he probably wrote, he must have
8 written me a prescription and I filled it.
9 Q. Okay. And where would you have filled that
10 prescription?
11 A. Probably at Snyders.
12 Q. Okay. According to your cardiology records,
13 you were taking sotalol as of January 2001.
14 A. That fits the timing.
15 Q. Okay. Did you have any discussion with your
16 cardiologist about sotalol's effect on your atrial
17 flutter?
18 A. I don't think so. I presume that my
19 urologist knew that I had the atrial flutter. I
20 mean, that was part of my ongoing record. I presume
21 he knew it when he prescribed it. At least he must
22 have thought it wasn't a problem. But I don't know.
23 Q. Did you report to your cardiologist that the
24 sotalol in your opinion was increasing your atrial
25 flutter?

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1 A. No.
2 Q. You don't recall having that conversation
3 with your cardiologist?
4 A. No, no, I don't recall that. I just, I told
5 her it increased my blood pressure.
6 THE WITNESS: If you want to read a
7 minute, I'll be happy to go to the men's room.
8 MS. LESKIN: We can take a break.
9 (Discussion held off the record.)
10 (Break from 11:13 a.m. to 11:30 a.m.)
11 BY MS. LESKIN:
12 Q. Okay, before the break, Mr. Stanley, we were
13 talking about your cardiac medications. Are there
14 any other medications you've taken for your heart
15 that we didn't discuss that you remember?
16 A. I don't remember any. And my sense is that
17 what I've gotten, I've gotten for longer periods of
18 time, that it's consistent.
19 Q. Now, we talked earlier that you and your
20 wife have been married for about 54 years now,
21 correct?
22 A. Yes.
23 Q. Did there come a time in your relationship
24 when you began experiencing problems with erectile
25 function?

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1 A. Yes.
2 Q. When did that occur? Or start occurring I
3 should say.
4 A. Probably after my first prostate procedure,
5 which was, that was '99.
6 Q. Okay.
7 A. Because that does affect those nerves.
8 Q. Okay. And let's talk about the time period
9 then before that surgery in 1999. How often would
10 you and your wife engage in sexual activity?
11 A. Well, I guess the best way to say that is,
12 you know, it starts out high and goes down over the
13 years, so it was a diminishing activity. It might
14 have been once a week.
15 Q. Okay. And I'm talking, you know, in the
16 six-month, one-year period prior to 1999's surgery.
17 About one time a week?
18 A. Yes, maybe a little more, but I wouldn't
19 stretch that.
20 Q. Did you have any certain days that you would
21 have sex or would it be random?
22 A. Well, I'm not sure "random" is a good word,
23 but, no, it's just when things were right, for
24 whatever reason, and there's lots of reasons there.
25 Q. Okay. And prior to 1999 -- your prostate

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1 surgery in 1999, did you ever have occasion where
2 you were unable to get an erection?
3 A. I think once. For some reason I lost it.
4 And it was just the one thing and I said, "Oh, my
5 God." And it was -- it never happened again.
6 Q. When was that about?
7 A. Several years earlier.
8 Q. Okay. And did anything -- was anything
9 going on in your life at that point in time that
10 would explain it in your mind?
11 A. That I can think of now, no. Whether I was
12 tired or working too hard or what, I can't tell you.
13 Q. Okay. And that's the only time prior to
14 your first prostate surgery that you recall having
15 difficulties either getting or maintaining an
16 erection?
17 A. That's correct.
18 Q. Okay. So after your prostate surgery --
19 well, let me back up. Would you describe your
20 sexual relationship with your wife prior to the
21 prostate surgery in 1999 as satisfactory?
22 A. Yes.
23 Q. And enjoyable?
24 A. Yes.
25 Q. So at the time of your prostate surgery in

23 (Pages 86 to 89)

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1 1999, what did you start to notice after that?
2 A. Oh, I suppose the most noteworthy thing was
3 the inability to maintain an erection as sort of
4 things move on.
5 Q. Okay. So at least initially you were able
6 to get an erection?
7 A. Yes.
8 Q. Okay. And when you say maintain, were you
9 able to maintain the erection for penetration?
10 A. Sometimes it would tend to sort of diminish.
11 You know, men and women have different timing
12 sometimes. And my timing might have been more
13 urgent than my wife's timing, if you will.
14 Q. Okay.
15 A. And so it was the kind of thing that if it
16 happened it tended to happen as, you know, as she
17 sorta, to get going, and I was sort of running out
18 of ready.
19 Q. And I just want to understand exactly
20 more -- put a little more precision on that. Were
21 you ejaculating sooner? Or were you just losing the
22 erection prior to ejaculation?
23 A. I was losing the erection prior to
24 penetration.
25 Q. Okay.

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1 A. In other words, you know, foreplay, as it
2 were.
3 Q. Okay.
4 A. And it would happen in there, it happened in
5 there a few times. And that's when I probably
6 talked to the doctor.
7 Q. How many times would you say you attempted
8 sexual activity with the problem before you spoke to
9 your doctor?
10 A. It probably was a matter of my next
11 appointment with him. I'd had the prostate, so I
12 was having my PSA done on a regular basis. And it
13 was probably the next time, you know, "How are
14 things going, Dick?" "Well, blah, blah, blah, but
15 I'm sorta at sorts here, what's going on?" And of
16 course, I think -- I think Viagra came out in 1998,
17 so it was very much in the news at the time.
18 Q. So again, I just want to understand the
19 timing a little bit. How often were you going to
20 your doctor following your procedure?
21 A. It would have been quarterly or
22 semiannually, I can't tell you which.
23 Q. Okay.
24 A. I mean he was, you know, you're watching --
25 I mean I have the procedure, he's watching the PSA,

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1 I go in and get it. It probably was a six-month
2 interval.
3 Q. So about six months after the surgery is
4 when you had your next appointment?
5 A. Right.
6 Q. With --
7 A. And then there was another one six months
8 later. That would have put me into early 2000,
9 which is I think when it all, when it all sort of
10 crystallized.
11 Q. Okay. And this is Dr. Robert Gaertner,
12 correct?
13 A. Yes. Thank you.
14 Q. Just you have two Gaertners. Are they
15 related?
16 A. Nephew and uncle.
17 Q. Okay. Which is the nephew?
18 A. Robert.
19 Q. Okay. So you have your procedure. How long
20 after the first prostate surgery was it until you
21 attempted sexual activity for the first time?
22 A. I haven't the faintest idea.
23 Q. Would it have been a week, a month?
24 A. Probably somewhere in there. You know, I
25 didn't -- the seeds are not terribly comfortable, so

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1 it certainly wasn't -- a week would have been very
2 much on the short side.
3 Q. Okay.
4 A. So it could have been a month. But it was
5 probably somewhere in that zone.
6 Q. Okay. And so you first saw Dr. Gaertner six
7 months after the procedure?
8 A. I probably saw him a month after, you know,
9 just sorta how are things going, that kind of thing.
10 Q. Okay.
11 A. But the regular checkup, the PSA, was six
12 months probably.
13 Q. Okay. And at the time of that six-month
14 checkup, had you -- did you discuss problems with
15 erectile function then?
16 A. No, I don't think so. And I think -- no,
17 I've answered the question, forget it.
18 Q. Okay. So if I understand correctly, it
19 would have been about a year after the procedure
20 that you first recall having a discussion with
21 Dr. Gaertner?
22 A. I would, I would guess that was the right
23 interval, yes.
24 Q. And would you have had the discussion during
25 the course of a regular visit? Or did you call him

24 (Pages 90 to 93)

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1 to talk about it on the phone?
2 A. I think it was probably during the course of
3 a regular visit, but again I don't know.
4 Q. Okay.
5 A. In other words, the problem wasn't awful, it
6 was just sort of, it was showing up once in a while.
7 Q. Okay. So in that about one-year period
8 between the prostate surgery and the time you first
9 raised it with Dr. Robert Gaertner, what percentage
10 of the time would you estimate you were having
11 difficulties maintaining an erection?
12 A. A minority of the time.
13 Q. Okay.
14 A. You know, 25 percent. I don't know.
15 Q. Okay. So there were occasions where you
16 were able to get an erection?
17 A. Yes.
18 Q. And maintain your erection?
19 A. Sure.
20 Q. And penetrate?
21 A. Sure.
22 Q. And ejaculate?
23 A. Yes.
24 Q. Okay. Did the problem get worse over time?
25 A. I can't honestly say. In my mind, it was

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1 A. Frustrated. I didn't feel any less manly or
2 any of that stuff, but it was disappointing.
3 Q. When you spoke to Dr. Gaertner for the first
4 time about your erectile dysfunction, what do you
5 recall about the conversation?
6 A. Well, it was a story he obviously had heard
7 a bunch of times, so he didn't sort of get into
8 great deal on exactly what, when and why. He said,
9 "Well, okay, that, that can happen in your older
10 people and one thing or another." He dealt with it
11 in a fairly simple sort of it's-not-unexpected kind
12 of thing in prostate and age and whatever.
13 And he said, and he -- and I probably asked
14 him about Viagra because it was very much in the
15 news. I said, "Would that help me?" And he said,
16 "Probably." And he said, "And I'll give you a
17 sample." And he said, "Give it a try, let me know,"
18 something like that.
19 Q. Did you have any conversations with
20 Dr. Gaertner as to the cause of your erectile
21 difficulties?
22 A. Probably. But it was clearly -- whether he
23 said or I concluded or whatever that it was age and
24 the prostate. I mean there -- one of the side
25 effects of prostate work is impotence.

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1 time to bring the subject up with the doctor. And
2 that's what I did.
3 Q. Okay.
4 A. But whether -- I wasn't keeping, you don't
5 keep score on these things.
6 Q. Okay. Did you tend to increase your efforts
7 at sexual activity or decrease your efforts of
8 sexual activity during that time period? And again,
9 I'm still talking about that one-year period before
10 you first raised it with Dr. Gaertner.
11 A. Yeah, I don't -- I think I was sort of
12 responding to sort of my normal impulses and urges.
13 Whether I -- no, I can't answer any more than that I
14 guess.
15 Q. Let me I guess try to rephrase it. Did you
16 ever tend to avoid sexual activity because of the
17 problems you were having?
18 A. No.
19 Q. Did it have any effect on the relationship
20 with your wife?
21 A. I don't believe so. You'd have to ask her.
22 Q. Okay.
23 A. But I really don't think so.
24 Q. How did it make you feel, that you were
25 having difficulties?

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1 Q. Did he run any additional tests to see if
2 that in fact was the cause of your problems?
3 A. No, I don't believe so.
4 Q. Did you have a conversation with your
5 cardiologist about your erectile dysfunction and the
6 potential causes of it?
7 A. If I did, I don't remember any such
8 conversation.
9 Q. Do you remember expressing a concern to your
10 cardiologist as to whether your erectile dysfunction
11 was caused by coronary artery disease?
12 A. No.
13 Q. Do you recall having a stress test to
14 determine if you had coronary artery disease at that
15 point in time?
16 A. No, there was -- my stress test had been
17 well one side or another of, let's see, this was
18 '99, 2000, my stress test was probably a couple
19 years later.
20 Q. Now, you told me that you -- at the time you
21 went and talked to Dr. Gaertner about your erectile
22 dysfunction, you had already heard of Viagra?
23 A. Oh, sure.
24 Q. How did you first hear of Viagra?
25 A. Well, I'm an investor, so I kind of watch

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1 that news. And this was a big event for the Pfizer
2 company. I mean, they had this coming out and this
3 was going to be the greatest thing since sliced
4 bread and so forth. So I was well aware of it as an
5 exploding new medication.
6 Q. So you saw in the newspapers?
7 A. Probably.
8 Q. And on television?
9 A. TV, sure.
10 Q. Did you talk to anyone from Pfizer about
11 Viagra?
12 A. No.
13 Q. Did you see any commercials about Viagra
14 before you got it from Dr. Gaertner?
15 A. That's an interesting question. I don't
16 remember. You know, the whole world of commercials
17 on drugs on TV has been an increasing thing. If
18 they were doing commercials on drugs then, they
19 certainly did them on Viagra. And I probably saw
20 them. I mean along with stuff in the financial news
21 or whatever.
22 Q. You told me earlier that you spend a lot of
23 time on your computer now. Were you spending time
24 on the computer back then?
25 A. Yes.

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1 Q. Did you do any research on the computer on
2 Viagra before you went to see Dr. Gaertner?
3 A. Probably not. Doctors are the grand
4 poobahs, you know, they tell us and we do it.
5 Q. When you read the articles in the
6 newspapers, what newspapers were they?
7 A. The St. Paul Pioneer Press. And the other
8 newspaper I've gotten is Investors Business Daily.
9 Q. And you think you read articles on Viagra in
10 both of those?
11 A. I may well have. Very likely.
12 Q. Okay.
13 A. I probably also might have picked up a
14 headline on the New York Times and printed that out
15 and read it, that kind of thing.
16 Q. Did you keep any of the articles you read
17 about Viagra in that time period?
18 A. I don't believe so.
19 Q. How about on television, where did you see
20 discussion of Viagra on television?
21 A. Well, I would have seen it more on the
22 financial side, because that's where I -- or maybe
23 an ad. But I don't know as I ever sat down and
24 watched a program on Viagra.
25 Q. Prior to going to see Dr. Gaertner, had you

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1 spoken to any of your doctors about Viagra?
2 A. Probably not.
3 Q. Had you gotten any written material from
4 Pfizer about Viagra?
5 A. No, I had not.
6 Q. And you already told me you haven't done,
7 you didn't do any research on the Internet about
8 Viagra?
9 A. I don't believe so.
10 Q. Okay. When you went in to see Dr. Gaertner,
11 did you go in intending to ask him for Viagra?
12 A. I went in to present him with the problem,
13 rather than diagnose the cure.
14 Q. Okay. And so he presented the cure to you
15 as a result of that?
16 A. Yes, mm-hmm, I think that's true. I may
17 have brought the name up, you know, "There are these
18 drugs, you know, are they any good for me," you
19 know, or something like that.
20 Q. Okay. And what did Dr. Gaertner tell you
21 about Viagra in response to that conversation?
22 A. I don't really, I don't remember anything
23 about that particularly except, you know, "Here,
24 give it a try."
25 I think the mood at the time was probably

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1 one that yeah, this is the eternal cure, it's the
2 elixir of youth. Or that was the tone of things at
3 that time. I'm sure he was very professional about
4 it. But he didn't read me a long list of side
5 effects or any of that, if that's what you're
6 looking for.
7 Q. I'm just looking for any information he gave
8 you on Viagra at the time.
9 A. Yeah. He knew my history. And he
10 understood what was going on. He sees these people
11 all day long, so "Try this."
12 Q. According to the records from Dr. Gaertner,
13 you got your first samples of Viagra from him in
14 March of 2000.
15 A. That fits my recollection.
16 Q. Okay.
17 A. It seems to fit the timing, too.
18 Q. Okay. And those were 50-milligram pills,
19 correct?
20 A. Yes, ma'am.
21 Q. How many samples did you get from him?
22 A. I think I just got one sample. How many
23 pills it was, whether it was five pills or ten
24 pills, I don't know.
25 Q. Okay. When he gave you the samples, did he

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1 give you any written information with them?
2 A. I'm sure they came with some kind of
3 document on that score.
4 Q. Did you read that?
5 A. I can't remember now if I read it or not.
6 Q. Did you keep it?
7 A. I probably didn't. But I, you know, I might
8 have kept other ones.
9 Q. Did Dr. Gaertner give you any instructions
10 on how to use Viagra?
11 A. I don't recall. If he didn't, I certainly
12 would have read at least the dosage material to
13 start. I think he gave me 50 whatever they are,
14 pills.
15 Q. Okay.
16 A. And he probably said take one. But I don't
17 recall that for sure.
18 Q. Okay.
19 A. And -- but I, you know, I don't remember the
20 interchange.
21 Q. Did he tell you how long before -- well, let
22 me ask you this. Did he tell you to take one daily?
23 Did he tell you to take it when you were interested
24 in sex? How did he explain to you how to use the
25 pills?

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1 A. I don't recall. He was -- I mean, he might
2 have just said, "Read the material." You know, it
3 says one at least an hour before sex or something
4 like that. I mean, he probably said, "Read the
5 material."
6 Q. You say probably. Do you have a specific
7 recollection? Or are you guessing that's what the
8 conversation was?
9 A. In some way or other he would have --
10 because it was a brand-new medication to me, he
11 would have counseled me, "Read the material" or
12 "Take one and," you know, and skip several days, or
13 whatever the instructions would have been. He'd
14 have done something like that or been sure that I
15 understood I was to read the material.
16 Q. Okay.
17 A. Because he was a very responsible guy.
18 Q. But sitting here today, you don't recall
19 exactly what was said one way or the other?
20 A. I can't warrant whatever was said, no.
21 Q. Do you recall -- and I'm not saying what he
22 would have done, but do you recall him telling you
23 any warnings about the medication?
24 A. No.
25 Q. Did he give you any information that you

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1 recall about any potential side effects for the
2 medication?
3 A. No.
4 Q. Did you at any point before you took the
5 first Viagra pill learn of any potential side
6 effects from the medication?
7 A. I probably read the material.
8 Q. Okay.
9 A. I would have done that on a new medication.
10 Q. And do you recall what you read about the
11 potential side effects from the medication?
12 A. Well, I've been over that ground since, so
13 it's hard to pretend what I did or didn't read back
14 then.
15 Q. Okay, well sitting here today, what do you
16 recall the side effects of the medication?
17 A. I was clearly more interested in the primary
18 effect rather than the side effect. I think that's
19 fair to say. That said, I probably looked at side
20 effects and just scanned it over. That said. But I
21 don't -- have no specific recollection.
22 Q. Okay. As I said, the notes indicate that
23 you got your sample of Viagra from Dr. Gaertner on
24 March 3rd, 2000. How long after you picked up that
25 sample do you think you took your first dose of

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1 Viagra?
2 A. Again, knowing myself, I probably would have
3 taken it in the first day or two.
4 Q. Was your wife aware that you were going to
5 see Dr. Gaertner that day?
6 A. I suspect she was, yes. But I don't know,
7 you know. She might say "I don't remember."
8 Q. Did she go with you to Dr. Gaertner's
9 office?
10 A. No, she didn't. She had been with me to him
11 on other occasions, but not that one.
12 Q. Did she know that you were going to request
13 Viagra from Dr. Gaertner?
14 A. I doubt it.
15 Q. Did she know you were going to discuss your
16 erectile dysfunction with Dr. Gaertner?
17 A. I doubt it. But again, I don't know.
18 Q. Did you tell her after the visit that you
19 got a sample of Viagra from Dr. Gaertner?
20 A. Probably.
21 Q. You don't recall one way or the other for
22 sure?
23 A. No, I was just thinking of how I'd, how I
24 would have handled it. I wouldn't have sat her down
25 and we wouldn't have had a 15-minute discussion on

27 (Pages 102 to 105)

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1 it.
2 Q. Okay. What do you think you would have
3 done?
4 A. I would have mentioned it, you know, "It's
5 on the news, I've got a pill, ah, whoopee."
6 Q. Okay. So you believe you tried it that
7 night?
8 A. Or the next night or something, I mean, you
9 know.
10 Q. Did you talk to your wife in advance of
11 taking a Viagra pill?
12 A. I didn't -- I don't think I did.
13 Q. Okay. Did she see you take a Viagra pill?
14 A. Probably not.
15 Q. What time of day did you take that first
16 Viagra pill?
17 A. In the evening.
18 Q. About what time?
19 A. 9 o'clock.
20 Q. So between the time that you saw
21 Dr. Gaertner and you took that first Viagra pill,
22 other than reading the materials that came with the
23 sample, did you speak to anyone else about Viagra?
24 A. I don't think so.
25 Q. Did you do any additional research on

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1 Viagra?
2 A. I don't think so.
3 Q. Did you call anyone from Pfizer about
4 Viagra?
5 A. No, I didn't.
6 Q. Did you read any other materials about
7 Viagra in that interim?
8 A. In that one- or two-day period? Probably
9 not.
10 Q. Okay. You said you took your first Viagra
11 probably about 9 o'clock at night, right?
12 A. Mm-hmm.
13 Q. Yes?
14 A. Yes -- excuse me, yes.
15 Q. After you took the Viagra, did you attempt
16 to engage in sexual activity?
17 A. I'm sure I did.
18 Q. Okay. How long after taking the Viagra did
19 you first start sexual activity?
20 A. Did I first what?
21 Q. Start sexual activity.
22 A. Maybe an hour.
23 Q. Okay. And were you able to get an erection?
24 A. I suspect so.
25 Q. You don't recall one way or the other?

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1 A. I don't recall, no. I don't recall taking
2 the Viagra as ever being an abject failure. So
3 that's another way to answer the question.
4 Q. Okay. So it was a successful medication for
5 you?
6 A. Yes.
7 Q. Okay. Following that first night that you
8 took Viagra, when was the next time you took Viagra?
9 A. No memory there.
10 Q. Okay. How long did that first sample last
11 you?
12 A. No memory there. I probably decided after
13 two or three times that I better buy some or order
14 some.
15 Q. Okay. And you'll note on the printout that
16 I gave you, which we've marked as Exhibit 1, there
17 is a prescription for Viagra that you filled on
18 April 18th, 2000.
19 A. That fits with the timing, doesn't it.
20 Q. So would that have been the first
21 prescription you filled?
22 A. Probably.
23 Q. Okay. Do you recall when you got that
24 prescription filled whether you were done with the
25 sample box that Dr. Gaertner had given you?

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1 A. Oh, I have no idea on that.
2 Q. Okay. Now, you'll notice that the Viagra
3 that you got filled on April 18th was a
4 100-milligram tablet.
5 A. (Nodded affirmatively.)
6 Q. Yes?
7 A. Yes.
8 Q. Do you recall having a conversation with
9 Dr. Gaertner about increasing the dosage from 50 to
10 100 milligrams?
11 A. I think what went on there is again an
12 economic matter. You could buy let's say ten pills
13 for \$8 apiece and they were 50-milligram pills. You
14 could buy ten 100-milligram pills for the same
15 price. I have a pill cutter. So why buy 50s when
16 hundreds will do the job.
17 Q. Okay. Did you talk to Dr. Gaertner about
18 whether it was -- whether you were able to split the
19 pills?
20 A. Probably not. I might have mentioned it,
21 yes. I might have told him in a subsequent visit
22 hey, I got, I got the system figured out here, you
23 know.
24 Q. Did you ask him to increase the dosage to a
25 hundred milligrams? Or did he suggest that to you?

28 (Pages 106 to 109)

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<p>1 A. I frankly -- I may have suggested it to him. 2 I may have called him, for all I know I called him 3 and said, "Hey, it works, write me a prescription 4 for 100 milligrams, 'cause I got a pill splitter." 5 Q. Okay. Are you assuming that's the way the 6 conversation went? Or do you recall that being the 7 case? 8 A. I don't recall specifically. But I, you 9 know, you know how you react to things yourself. 10 Q. Did you ever discuss with any pharmacist 11 whether it was advisable to split the pills in that 12 manner? 13 A. Nope. 14 Q. Did you ever ask anyone at Pfizer whether it 15 was advisable to split the pills in that manner? 16 A. No. 17 Q. Did you ever do any research as to whether 18 it was advisable to split the pills in that manner? 19 A. No, I didn't. 20 Q. After you started taking the Viagra, would 21 you always use Viagra when you engaged in sex? 22 A. I think so. 23 Q. Did you ever attempt -- 24 A. Without? 25 Q. -- without?</p>	<p>1 doctor communicates it to them. And you order it 2 online and they charge your credit card and ship it. 3 Q. Okay. But you have to have a doctor's 4 prescription on file? 5 A. Yes, you do. 6 Q. Okay. And once your doctor sends in the 7 prescription or calls in the prescription, do they 8 automatically fill it for you? Or do you separately 9 have to fill in an application online? 10 A. You go online and you click refill, I, go. 11 Q. The April 18th, 2000 prescription was the 12 first prescription, correct? 13 A. Probably, yes. 14 Q. Okay. So if you don't have the refill, how 15 did you -- how were you able to link up the 16 prescription that your doctor sent in with your 17 online order? 18 A. I'm not sure I understand. 19 Q. Okay. Did you already have an account set 20 up with drugstore.com -- 21 A. Yes, I would have had an account with them. 22 Q. Okay, let me just finish the question for 23 the court reporter. 24 A. Sorry. 25 Q. And so when Dr. Gaertner called in or sent</p>
Page 111	Page 113
<p>1 A. Probably not. 2 Q. And you already told me that you don't 3 recall any failures after using Viagra. 4 A. I don't recall any failures. 5 Q. Now, the prescription that you filled on 6 April 18th, 2000 shows up on the Rite Aid printout. 7 Did you fill that through drugstore.com or did you 8 pick it up at a Rite Aid store? 9 A. I'm virtually certain it's drugstore.com. 10 Q. And do they ship that to you then? 11 A. Yes, they do. 12 Q. When they ship you the Viagra, do they give 13 you any printed information about the medication? 14 A. They do. 15 Q. And is that available to you online before 16 you order the medication? 17 A. I don't know the answer on that. 18 Q. Okay. Do you recall seeing any information 19 about Viagra on the drugstore.com Web site before 20 you placed your order? 21 A. No, I don't recall that. And that doesn't 22 mean it wasn't there. 23 Q. Okay. How does it work with drugstore.com 24 to fill a prescription? 25 A. You send the prescription to them -- or the</p>	<p>1 in your prescription for Viagra, did he reference an 2 account number or by name, do you know? 3 A. It wouldn't surprise me if he sent me the 4 prescription and I sent it directly to the pharmacy 5 there. 6 Q. You don't recall one way or the other, 7 though, how that happened? 8 A. I don't, no. 9 Q. Okay. If you have questions about a 10 prescription that you're getting filled through 11 drugstore.com, is there a pharmacist available 12 online for you? 13 A. Probably. I on at least -- maybe on one 14 occasion I even talked to a pharmacist there. I 15 think I remember talking to somebody in the pharmacy 16 department -- in the pharmacy there, a pharmacist, 17 about something. But I, you know, I don't even 18 recall what the drug was, but -- but I remember 19 asking the question. 20 Q. Do you know what question it was? 21 A. No, I don't, I mean or what medication it 22 applies to. 23 Q. Okay. So you don't have any specific 24 recollection of talking to a pharmacist about 25 Viagra?</p>

29 (Pages 110 to 113)

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1 A. That's correct.
2 Q. Okay. But your understanding is that there
3 is a way to get to a pharmacist if you have a
4 question about a medication?
5 A. Yes, that would be fair.
6 Q. Okay. And when you got the medication
7 shipped to you from drugstore.com, they did have
8 information about the drug in the package?
9 A. They did.
10 Q. Okay. And is that with every drug that you
11 get?
12 A. Everything that's a prescription drug.
13 Q. Okay. And so they sent you information
14 about Viagra as well?
15 A. (Nodded affirmatively.)
16 Q. Yes?
17 A. Yes.
18 Q. Did you keep that information they sent you?
19 A. I have one copy of that information, yes.
20 Q. Okay.
21 A. It's part of your packet I think.
22 Q. And that's a printout that they sent you?
23 A. Yes, ma'am.
24 (R. Stanley Deposition Exhibit No. 2
25 marked for identification.)

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1 A. And they have a reference -- obviously they
2 carry me as RSTAN 00009 in the lower right. So I
3 believe that would be the case, yes.
4 Q. Okay.
5 A. Because --
6 MS. HAUER: I think he's looking at the
7 Bates number.
8 Q. Yeah, the RSTAN 00009 is a Bates number that
9 we put on the record.
10 A. Oh, that's my code, okay.
11 Q. Okay. But if you look at the bottom of the
12 page that from the printout where it has the address
13 from where --
14 A. URL, yes.
15 Q. The www.drugstore.com.
16 A. That's correct.
17 Q. Okay. And you'll see that was printed, the
18 date above where it says RSTAN 9?
19 A. Yes.
20 Q. There's a date above that?
21 A. That's correct.
22 Q. And that's dated 12/13/05.
23 A. And as I recall, that was the only one of
24 this sort they could give me. The others had been,
25 had gone to the shredder somewhere.

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1 Q. We've marked as Exhibit 2 a printout from
2 drugstore.com. And this is regarding order
3 No. 3003561753100. And that's dated December 8th,
4 2000.
5 A. Correct.
6 Q. Okay. Was this a refill or is this a new
7 prescription, if you recall?
8 A. Well, let's see. My guess is, because it
9 was subsequent to the first noncomplimentary
10 prescription, that it was a refill.
11 Q. Okay. And in fact if you look at the
12 printout that we marked as Exhibit 1, you'll see the
13 April 18th and the December 8th Viagra prescription
14 have the same prescription number.
15 A. Okay, well, then that ratifies that.
16 Q. Okay. So there was not a separate
17 conversation with Dr. Gaertner to get him to refill
18 your prescription?
19 A. I believe that's true. It was a follow-up.
20 Q. Okay. Now, this is what you printed out
21 from -- well, let me ask you, did you print this
22 out, this receipt?
23 A. I may well have.
24 Q. You'll see the bottom of the page has a date
25 December 13, 2005.

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1 Q. Do you have any other materials from
2 drugstore.com regarding Viagra other than the
3 printout that we've marked as Exhibit 2?
4 A. There was a copy in your material I believe
5 of the, you know, the side effects, the caveat
6 thing.
7 Q. And do you recall which prescription that
8 came with, whether it was the first one or the
9 second one?
10 A. I would guess it probably comes with every
11 one.
12 Q. Okay.
13 A. That's the way I think they do it.
14 MS. LESKIN: If we don't have it, we'd
15 request a copy of that.
16 BY MS. LESKIN:
17 Q. And when you received that printout from
18 drugstore.com, did you read it?
19 A. Probably. I would. It was a new drug to
20 me.
21 Q. How often did you use Viagra during the time
22 that you were using it?
23 A. I'm guessing once every week or two,
24 something like that.
25 Q. Did Dr. Gaertner ever explain to you how

30 (Pages 114 to 117)

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<p>1 Viagra worked in the body?</p> <p>2 A. I can't tell you whether he did or not.</p> <p>3 I've read -- you know, read enough over time that I</p> <p>4 know it increases blood flow. But that's, that's --</p> <p>5 Q. Okay, but you don't recall if you learned</p> <p>6 that from Dr. Gaertner or somewhere else?</p> <p>7 A. Exactly, that's correct.</p> <p>8 Q. Okay. And do you recall whether you learned</p> <p>9 that in connection with investigation in advance of</p> <p>10 the litigation? Or whether that was investigation</p> <p>11 before the use of the drug?</p> <p>12 A. I can't in all candor say when it was. I've</p> <p>13 learned a great deal more since.</p> <p>14 Q. Okay.</p> <p>15 A. Obviously.</p> <p>16 Q. Did you ever discuss with your cardiologist</p> <p>17 how Viagra worked in the body?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Did you ever discuss with your cardiologist</p> <p>20 whether it was safe to take Viagra in connection</p> <p>21 with your heart condition?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Did you ever discuss with Dr. Gaertner</p> <p>24 whether it was safe to take Viagra with your heart</p> <p>25 condition?</p>	<p>1 look at it, too. This is from documents that you</p> <p>2 produced to us as part of your fact sheet.</p> <p>3 THE WITNESS: Understood.</p> <p>4 MS. HAUER: I was just going to compare</p> <p>5 the prescription numbers to see if there was a way</p> <p>6 to compare.</p> <p>7 THE WITNESS: I think the number here</p> <p>8 links with the number of the prescription, doesn't</p> <p>9 it?</p> <p>10 BY MS. LESKIN:</p> <p>11 Q. Well, let me ask you to take a look at the</p> <p>12 document and ask you if you recognize the document,</p> <p>13 I'll start with that.</p> <p>14 A. Oh, okay. It looks familiar, certainly.</p> <p>15 Q. Okay. And how does it look familiar?</p> <p>16 A. Well, it's a pretty standard enclosure in a,</p> <p>17 it comes with a drug, and it relates to Viagra. I,</p> <p>18 you know, I don't know when -- I don't know, for</p> <p>19 example, whether it says the sort of same things</p> <p>20 that one of these today would say, but it, you know,</p> <p>21 it's the usual stuff.</p> <p>22 Q. Okay. Is that in fact a printout that you</p> <p>23 received at some point regarding Viagra?</p> <p>24 A. It probably is.</p> <p>25 Q. Okay.</p>
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<p>1 A. I don't believe so.</p> <p>2 Q. Have you ever taken any nitrate medications?</p> <p>3 A. No.</p> <p>4 Q. Did anyone ever ask you whether you were</p> <p>5 taking nitrate medications before you started taking</p> <p>6 Viagra?</p> <p>7 A. It may have been on the questionnaire. But</p> <p>8 I don't think it existed, no, I don't think it</p> <p>9 happened back then. I -- you know, it's</p> <p>10 interesting. It seems to me that I did look at</p> <p>11 those things and said no, I don't take nitrates or,</p> <p>12 you know, that kind of thing when I scanned through</p> <p>13 the issues.</p> <p>14 I wish you'd warned me, 'cause I'd have kept</p> <p>15 all the notes and records and everything else of</p> <p>16 what happened. If you'd only told me ten years ago</p> <p>17 this was going to happen.</p> <p>18 (R. Stanley Deposition Exhibit No. 3</p> <p>19 marked for identification.)</p> <p>20 Q. We marked as Exhibit 3 a printout that has a</p> <p>21 Bates No. RSTAN 00007 and 8. And I'll ask you to</p> <p>22 take a look at this document and ask you --</p> <p>23 MS. HAUER: Can I quick look at it</p> <p>24 before.</p> <p>25 MS. LESKIN: Yeah, let your counsel</p>	<p>1 A. I would say 99 percent sure it is.</p> <p>2 Q. Okay. And do you know where you received</p> <p>3 that from?</p> <p>4 A. It would have come from drugstore.com with</p> <p>5 the prescription.</p> <p>6 Q. Okay. Is there a date anywhere on that</p> <p>7 printout?</p> <p>8 A. No. There's a prescription number, though,</p> <p>9 if it would be helpful.</p> <p>10 Q. Okay, and what prescription number did they</p> <p>11 give you on that?</p> <p>12 A. Ends in 4466.</p> <p>13 Q. And if you look at the printout that we've</p> <p>14 marked as Exhibit 1, you'll see that the Viagra</p> <p>15 prescription number is 84466.</p> <p>16 A. Okay, then that ties together.</p> <p>17 Q. Okay, so this printout you believe -- this</p> <p>18 printout you believe is what you received from</p> <p>19 drugstore.com?</p> <p>20 A. Yes.</p> <p>21 Q. Is that fair to say?</p> <p>22 A. Mm-hmm.</p> <p>23 Q. Yes?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>

31 (Pages 118 to 121)

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1 A. Sorry.
2 Q. And are you able to tell us whether this
3 printout that we've marked as Exhibit 3 came with
4 the prescription that came in April of 2000 or in
5 December of 2000?
6 A. Can't tell you that for sure. It was in the
7 folder.
8 Q. Now, if you look under "Side Effects," if
9 you can tell me, read that first paragraph under
10 "Side Effects" for me.
11 A. "Headache, flushing, stomach upset, nasal
12 stuffiness, diarrhea and dizziness might occur. If
13 these effects persist or worsen, notify your doctor
14 promptly."
15 Q. Okay. Did you experience any of those side
16 effects after taking Viagra?
17 A. Not to my recall.
18 Q. And what's the next paragraph say?
19 A. "Unlikely but report" -- "Unlikely but
20 report promptly any pain or other urination
21 problems, vision problems or skin rash."
22 Q. Okay. And what's the next paragraph say?
23 A. "Very unlikely but report promptly any chest
24 pain, fainting or foot/ankle swelling."
25 Q. Okay. And is there another paragraph there?

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1 A. Okay, yes.
2 Q. At some point did you finish taking all the
3 pills in that sample?
4 A. I presume so.
5 Q. Okay, and you no longer had that package?
6 A. No.
7 Q. Okay. The first prescription that you had
8 filled we've said was April 18th, 2000, right?
9 A. Mm-hmm.
10 Q. Yes?
11 A. Yes. You're going to drive your children
12 crazy, do you know that.
13 Q. I already do.
14 A. Oh, okay.
15 Q. But usually we don't have a court reporter
16 with my children, so.
17 A. That's true.
18 Q. We've said that you refilled that
19 prescription on December 8th, 2000, right?
20 A. Yes.
21 Q. Okay. At the time that you refilled the
22 prescription on December 8th, had you used up all of
23 the pills from your April 18th prescription?
24 A. I presume so.
25 Q. Okay.

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1 A. Yes, there is.
2 Q. And what does that say?
3 A. "If you experience a painful or prolonged
4 erection (lasting longer than four hours), stop
5 using this drug and seek immediate medical
6 attention."
7 Q. After you received this printout with your
8 Viagra prescription, did you have any conversation
9 with your doctor about any of the warnings that
10 appear on that list?
11 A. I don't think I did. I didn't manifest any
12 problems, so I didn't.
13 Q. Okay. Did you express any concern to your
14 doctor as to whether Viagra was an appropriate
15 medication for you in light of the different side
16 effects that are listed on that list?
17 A. No. I probably didn't ask him that.
18 Q. Okay, can I see that back one more time.
19 A. It's the kind of thing I could have said,
20 "Well, is this okay for me?" But a "yes" answer
21 would be adequate.
22 Q. The first prescription that we identified --
23 well, strike that.
24 The sample we established you got back on
25 March 3rd, 2000, correct?

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1 A. Or substantially all.
2 Q. So between April 18th and December 8th, you
3 took Viagra approximately 18 times, is that a fair
4 estimate?
5 A. Yeah, that sort of fits with the numbers,
6 too, doesn't it.
7 Q. So in that eight-month period you took
8 Viagra about 18 times?
9 A. No, if I -- well, if we were using the pill
10 once a week, eight months would be 32 times,
11 wouldn't it.
12 Q. Okay. And you split these pills, these 18
13 pills?
14 A. I believe I was splitting them, yes.
15 Q. Okay. So that would have been 36 doses?
16 A. Yes, and that again ties together.
17 Q. Okay. The Viagra that you picked up on
18 December 8th, 2000 was another 18 pills, correct?
19 A. Yes.
20 Q. Did you finish that prescription?
21 A. I don't believe so.
22 Q. Do you still have Viagra pills in your
23 possession?
24 A. I don't.
25 Q. Okay, where are they now?

32 (Pages 122 to 125)

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1 A. I threw 'em.
2 Q. Do you know how many pills were left when
3 you threw them away?
4 A. I can't tell you.
5 Q. When's the last time you took Viagra?
6 A. My guess is early 2001. I had continued to
7 take it even after my vision problem occurred. I
8 obviously had ordered more pills. But at some point
9 there, I decided that I -- of course, I'd seen an
10 ophthalmologist, two -- several of them, and at some
11 point there I said you know, I'm going to tell all
12 of my doctors what's going on here.
13 Dr. Robert Gaertner probably knew about it,
14 I talked to him about it. But I wanted my GP and
15 my, the guy who did my retina reattachment,
16 everybody to know about it.
17 So I wrote 'em a letter. I don't know as I
18 even, I don't know if I included it in your material
19 or whether I had it to include. I probably -- I
20 would have included it if I still had it on my
21 computer.
22 But I wrote 'em a letter and said, "Hey,
23 here's what's happened to me, I can't see out of my
24 left eye. And I'm starting to think that this is
25 now -- this is a Viagra problem." Maybe at that

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1 point I had heard about questions about Viagra,
2 maybe not, you know. But I said, "What do you
3 suggest?"
4 And interestingly, it was Dr. Bhavsar who
5 had done my retina who came back and said, "Well,
6 I'm sorry to hear about it. This kind of thing
7 doesn't seem to relate to what we did for you, but I
8 think you should stop taking Viagra." Words to that
9 effect. And I think you have a letter to that
10 effect in there.
11 Q. Is that letter from Dr. Bhavsar the first
12 time that any of your doctors told you to stop
13 taking Viagra?
14 A. I believe so.
15 Q. And until you --
16 MS. FYMAN: The letter to or the letter
17 from?
18 MS. LESKIN: The letter from.
19 BY MS. LESKIN:
20 Q. The letter from --
21 A. It's a short letter, just a short letter.
22 Q. So up until you received that letter from
23 Dr. Bhavsar, you continued to use Viagra?
24 A. I believe so, yes.
25 (R. Stanley Deposition Exhibit No. 4

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1 marked for identification.)
2 Q. Okay, we've marked as Stanley Exhibit 4 a
3 letter dated March 14th, 2001 on the letterhead of
4 the Retina Center, signed by Dr. Abdhish,
5 A-B-D-H-I-S-H, R. Bhavsar, M.D.
6 Is this the letter to which you were just
7 referring, Mr. Stanley?
8 A. Yes, ma'am.
9 Q. Okay. And as you noted in his last line of
10 the letter, Dr. Bhavsar writes: "Perhaps you may
11 wish to consider discontinuing Viagra, given these
12 findings that you discovered."
13 And is it your testimony then that after you
14 received this letter from Dr. Bhavsar that you'd in
15 fact discontinued use of Viagra?
16 A. Yes.
17 Q. Okay. How long -- how long in advance of
18 this letter dated March 14th, 2001 did you write a
19 letter to Mr. Bhavsar -- to Dr. Bhavsar?
20 A. Week or two, no more. He was prompt.
21 Q. And so you wrote to Dr. Bhavsar. Who else
22 did you write to?
23 A. Well, I believe I wrote to my
24 ophthalmologist, Phillip Sheridan.
25 I would guess that I sent -- there were a

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1 bunch of doctors here. My GP, that is John
2 Gaertner. Robert Gaertner, my urologist. Sheridan,
3 who was my just general ophthalmologist. A guy
4 named Weingarden, who was the neuro-ophthalmologist.
5 And Bhavsar, who did my retina. I probably sent it
6 to all or most of them.
7 Q. And was it one letter that you sent to
8 everyone?
9 A. Yes, "Gentlemen," sort of, "here you go."
10 Q. How long was that letter?
11 A. Pretty short. You know, (indicating).
12 Q. About half a page?
13 A. No more.
14 Q. Did you have any enclosures with that letter
15 that you sent them?
16 A. No, I just said, "Here's what's going on
17 with me, you're my doctors. Help."
18 Q. Did you mail it to them or did you fax it to
19 them?
20 A. I mailed it.
21 Q. We don't have a copy of that letter and we'd
22 ask that if you can review your computer one more
23 time to see if you still have a copy.
24 A. All right, I will.
25 Q. Okay. Did any other doctor respond to you

33 (Pages 126 to 129)

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1 in writing other than Dr. Bhavsar?
2 A. No, not to my recollection.
3 Q. Okay. Was there something that happened
4 that prompted you writing this letter to Dr. -- to
5 all your doctors?
6 A. We have a continuum here of events and
7 information. And not all of them are perfect and
8 fit into little slots neatly.
9 In March, I got my first Viagra pills. In
10 June, I had my retina -- my left retina reattached.
11 It wasn't completely detached, it wasn't even
12 partially -- it was partially, but not completely.
13 And so they reattached it before it got worse.
14 In late August, I went blind in that eye.
15 And with no clue of how it might have happened. But
16 with curiosity.
17 So here I am ordering more Viagra after the
18 event. And then finding -- getting an input from
19 the doctor saying look, I don't know, but
20 (indicating) stop using it, you know, give yourself
21 a break, doesn't sound advisable or whatever.
22 So that's the continuum what was going on
23 here. And at some point in there, I must have
24 somewhere in this zone, after the event over the
25 next year or year and a half, and exactly when in

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1 A. No, I can't pound on that. Certainly if I
2 had seen the study and hadn't written the letter by
3 then, I would have. Okay. But whether the cart
4 came before the horse or not, I'm not sure.
5 Q. The letter from Dr. Bhavsar to you says,
6 "Thank you for your letter regarding the reported
7 association of Viagra with anterior ischemic optic
8 neuropathy. I appreciate your sending this along."
9 A. Okay, there's your answer. I saw this
10 report from Maryland and I put two and two together
11 and said, "What do you think?" to all my doctors. I
12 didn't read that when I looked here.
13 Q. Okay, but you don't recall exactly what it
14 was you sent along?
15 A. It might have been a printout of something
16 or a reference to it. You know, again, I don't
17 know.
18 Interestingly, Dr. Bhavsar and Dr. Pomeranz,
19 whom you may know by name, combined on another study
20 that came out in '05 in one of the professional
21 magazines.
22 Q. And how did you learn about that study?
23 A. I don't remember. I don't think Bhavsar
24 sent it to me. And I haven't had any contact with
25 him since then. I might have read about it. I

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1 there I don't know, I go to the Internet and I
2 clicked on blindness or, you know,
3 medications/blindness, or something like that.
4 And somewhere along the line I found a
5 report of a study by a doctor at the University of
6 Maryland who had five patients who he believed had
7 run into this same crap.
8 And I sent him an e-mail and told him what
9 had happened to me. And he came back and basically
10 said, "Good luck." I mean, you know, I thought I
11 had his e-mail address, I don't anymore. But he,
12 you know, he basically said, "Well, I'm glad" -- you
13 know, "thank you for letting me know, if I do any
14 more work," blah, blah, blah, whatever it was.
15 And so somewhere in there I'm starting to
16 get suspicious that Viagra is the agent. And maybe
17 that was the point at which I wrote these people,
18 and maybe there's some reference in my letter to a
19 study out east or something like that.
20 I mean, you know how things happen in life,
21 they don't sort of lay themselves out nice and
22 neatly.
23 Q. Well, you're telling me maybe. So do you
24 recall specifically seeing a study before you wrote
25 your letter?

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1 can't -- I can't tell you. Maybe I looked up
2 Pomeranz's name somewhere.
3 Q. Were you referenced in that article?
4 A. I beg your pardon?
5 Q. Are you referenced in the article that
6 Dr. Bhavsar and the other doctor published?
7 A. Am I referencing it?
8 Q. Are you referenced in it?
9 A. Anonymously.
10 Q. Okay.
11 A. But my presence is unequivocal.
12 MS. LESKIN: Let's mark that as No. 5.
13 (R. Stanley Deposition Exhibit No. 5
14 marked for identification.)
15 BY MS. LESKIN:
16 Q. We've marked as Stanley Exhibit 5 a copy of
17 an article entitled, "Nonarteritic Ischemic Optic
18 Neuropathy Developing Soon After Use of Sildenafil
19 (Viagra): A Report of Seven New Cases," by
20 Dr. Howard D. Pomeranz, P-O-M-E-R-A-N-Z, and Abdhish
21 R. Bhavsar.
22 Have you seen this article before?
23 A. Yes.
24 Q. Okay, and this is the article you were just
25 referring to?

34 (Pages 130 to 133)

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<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. And in fact you are case No. 5, is</p> <p>3 that right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Did you -- were you aware that you</p> <p>6 were going to be referenced in this article before?</p> <p>7 A. No, I wasn't.</p> <p>8 Q. Did you have any conversation with</p> <p>9 Dr. Pomeranz in reference to this article?</p> <p>10 A. Never. He and I exchanged the e-mails</p> <p>11 earlier.</p> <p>12 Q. Okay. Did you have any conversation with</p> <p>13 Dr. Bhavsar about this article?</p> <p>14 A. I probably did.</p> <p>15 Q. Okay. What do you recall about the</p> <p>16 conversation you had about the article?</p> <p>17 A. Well, either he told me about it, I looked</p> <p>18 it up and might have called him. Or I heard about</p> <p>19 it and called him and said, "This is very</p> <p>20 interesting, I see Pomeranz is -- you're</p> <p>21 collaborating with Pomeranz." And he said, "Yes,"</p> <p>22 and he said, "He's now in Minnesota." Now, that was</p> <p>23 five -- four years ago or three yours ago.</p> <p>24 So it would have been that kind of</p> <p>25 discourse. "I was interested to read your article,"</p>	<p>1 on Viagra and my bad left eye."</p> <p>2 When did Dr. Bhavsar ask you questions</p> <p>3 regarding your eye?</p> <p>4 A. I would have answered him fairly quickly on</p> <p>5 this. This was a matter of significance to me. So</p> <p>6 let's say within the month.</p> <p>7 Q. Okay. And did he write you a letter with</p> <p>8 questions or did he call you?</p> <p>9 A. I'm sure he asked me -- yes, he probably</p> <p>10 wrote me a letter. I can't guarantee it. I</p> <p>11 couldn't find it. I mean I don't have it.</p> <p>12 Q. And did he tell you why he was writing you a</p> <p>13 letter with these questions?</p> <p>14 A. Let me read here for a minute, 'cause I</p> <p>15 might --</p> <p>16 Q. Yes, take your time and read over the</p> <p>17 letter, see if that triggers any of your</p> <p>18 recollection.</p> <p>19 A. (Examining.) Well, that's my letter</p> <p>20 certainly.</p> <p>21 Q. Having reviewed the letter, do you recall</p> <p>22 whether Dr. Bhavsar asked you questions by letter or</p> <p>23 on the phone or in person?</p> <p>24 A. I can't, I can't tell you that.</p> <p>25 Q. There's reference on the fifth bullet to a</p>
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<p>1 blah, blah, blah.</p> <p>2 Q. This was after the article was published?</p> <p>3 A. Yes, ma'am.</p> <p>4 MS. LESKIN: Let's mark this, please.</p> <p>5 (R. Stanley Deposition Exhibit No. 6</p> <p>6 marked for identification.)</p> <p>7 Q. Okay, go ahead and finish your answer. You</p> <p>8 said, "He probably made it anonymous because"?</p> <p>9 A. Beg your pardon?</p> <p>10 Q. You started to say, "He probably made it</p> <p>11 anonymous because."</p> <p>12 A. Oh, because he never called and asked for my</p> <p>13 permission to put my name in. I guess they don't do</p> <p>14 that anyway.</p> <p>15 Q. Okay. We've marked as Exhibit 6 a letter</p> <p>16 from Richard W. Stanley to Abdhish Bhavsar at the</p> <p>17 Retina Center, dated January 9, 2002. Do you</p> <p>18 recognize this letter?</p> <p>19 A. It looks like mine.</p> <p>20 Q. Okay. Do you recall sending this letter to</p> <p>21 Dr. Bhavsar in January of 2002?</p> <p>22 A. In general, yes. I mean I, you know, again,</p> <p>23 not specifically.</p> <p>24 Q. The first line of the letter says, "Here are</p> <p>25 what I believe to be the answers to your questions</p>	<p>1 phone conversation you had with him. Do you know</p> <p>2 when that phone conversation was?</p> <p>3 A. It -- this may have attended his -- I mean</p> <p>4 if he wrote a letter to me I might have called him</p> <p>5 to discuss it. I, you know, it's hard to say.</p> <p>6 Q. Okay. Do you recall why Dr. Bhavsar had</p> <p>7 these questions for you?</p> <p>8 A. I think when we look at this (indicating),</p> <p>9 we have an idea that at some point maybe he saw a</p> <p>10 second or third case.</p> <p>11 Q. "This" being Exhibit 5, the published</p> <p>12 article?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Okay. Did he tell you he had seen a second,</p> <p>15 third case?</p> <p>16 A. I have no idea.</p> <p>17 Q. You don't recall him telling you that?</p> <p>18 A. No specific recollection.</p> <p>19 Q. Did he tell you he was working with</p> <p>20 Dr. Pomeranz on an article?</p> <p>21 A. I don't believe so.</p> <p>22 Q. Did you think it strange that he was asking</p> <p>23 for this type of information?</p> <p>24 A. Well, he's a retina guy. And my problem's</p> <p>25 with a retina, but it's for a very different reason.</p>

35 (Pages 134 to 137)

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1 So that was surprising.
2 I might have -- he might have said he was
3 working with the doctor that I had contacted, you
4 know, had that contact with, for all I know. But I
5 was happy to provide him what I could.
6 Q. Did you have any other written
7 correspondence with Dr. Bhavsar about your eye?
8 A. If I did, it's in the shredder somewhere. I
9 promise to dig into my computer again, though.
10 Q. Do you shred documents on a regular basis?
11 A. Not really. That's symbolically speaking.
12 Q. Okay. You haven't shredded any documents
13 related to this litigation?
14 A. No, no. I wish I had more documents.
15 Q. Okay. You said you had e-mailed, had some
16 e-mails with Dr. Pomeranz earlier?
17 A. Yes.
18 Q. I believe in your fact sheet you indicated
19 that you no longer had the e-mail address?
20 A. I no longer have his address. And I, I
21 don't have the copies of the e-mails either.
22 Q. Okay. Do you still have your e-mail account
23 that you were using at the time?
24 A. No.
25 Q. Was that the e-mail address that appears on

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1 (Lunch break taken at 12:34 p.m.)
2 AFTERNOON SESSION, 1:46 P.M.
3 THE WITNESS: Okay, I'm still sworn in,
4 right?
5 MS. LESKIN: Yes, you are. Back on the
6 record.
7 EXAMINATION (Continuing)
8 BY MS. LESKIN:
9 Q. Mr. Stanley, let me just ask you a couple
10 preliminary questions before we start up again this
11 afternoon.
12 Before the break we were talking about some
13 of your visits with doctors, right? Do you recall
14 that?
15 A. Yes, yes.
16 Q. Are you pretty much always truthful with
17 your doctors?
18 A. I think I am, yes.
19 Q. You understand it's important to be truthful
20 with your doctors?
21 A. Oh, I don't have any problem with being
22 candid. I mean that's what doctors are for.
23 Q. Okay. And you haven't intentionally
24 withheld information from your doctors?
25 A. Oh, no, that wouldn't be my style.

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1 this letter with Dr. Bhavsar, the one at
2 mediaone.net?
3 A. No, it's -- I have a new one now. I'm a
4 Comcast guy.
5 Q. Okay. At the time that you were e-mailing
6 with Dr. Pomeranz were you using the mediaone.net?
7 A. Could have been. Could have been ATT.net,
8 it could have been Comcast.net.
9 Q. Okay. But you don't have access to any of
10 those e-mails?
11 A. No. I'm pretty abrupt with most e-mails.
12 Q. When you say you're abrupt, you delete them?
13 A. (Nodded affirmatively.)
14 Q. Yes?
15 A. Yes, yeah.
16 Q. And have you had any conversations with
17 Dr. Pomeranz since those e-mails?
18 A. I've never -- I don't believe I've ever
19 spoken to Dr. Pomeranz.
20 Q. Did you ever send him any of your medical
21 records?
22 A. No, I described my situation.
23 MS. LESKIN: This is probably a good
24 time for our lunch break.
25 MS. HAUER: Okay.

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1 Q. Okay. And you understand that doctors try
2 to keep pretty accurate records of the
3 communications you have with them?
4 A. I do.
5 Q. Okay.
6 A. I don't know about phone, I don't know how
7 phone gets handled.
8 Q. Okay.
9 A. But they're all standing around dictating
10 when I leave, you know, that kind of thing.
11 Q. And have you ever heard a doctor dictate a
12 note that was inaccurate in any way?
13 A. No, I have never listened in on that.
14 Because it's always technical.
15 Q. Have you had the opportunity to review any
16 of your own medical records in this case?
17 A. That stuff that was sent to me and to you
18 and all that. I don't find them very useful,
19 because they're very technical. And so I, you know,
20 I kind of, my eyes roll up when I get those.
21 Q. But you've never gone to your doctor and
22 asked for a copy of your own medical records and
23 gone through to see --
24 A. Not with that in mind, no.
25 Q. And so you've never looked through to see if

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1 they were accurate or inaccurate?
2 A. No, I haven't.
3 Q. I asked you earlier whether your wife ever
4 joined you to any of your doctor visits. And you
5 told me that at some point she did go to some of
6 your urology visits?
7 A. Well, others too. You know, when you're
8 having major surgery, it's kinda nice to have a
9 sense of what's going to happen.
10 Q. Okay.
11 A. So she went to urology when I first got the
12 prostate problem. She probably went to at least one
13 of my back surgery prediscussions. You know, that
14 kind of thing.
15 Q. Okay. Does your wife keep a journal at all
16 of your medical care?
17 A. No.
18 Q. Does she keep any kind of calendar that
19 would track when you were to different doctors at
20 different times?
21 A. I don't think so, no.
22 Q. Has she kept any separate notes or journals
23 about this litigation?
24 A. No.
25 Q. Has she kept track of any conversations

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1 either you or she has had with any of your doctors
2 about your loss of vision?
3 A. Keep track of any -- her conversation with
4 my doctors about my loss of vision was that?
5 Q. Yes.
6 A. I can't imagine she'd have done that either.
7 I mean it's a no, no across the board there.
8 Q. Okay. Has she had any conversations with
9 your doctors where you were not present?
10 A. Oh, you know, maybe outside an operating
11 room after surgery or something like that, that
12 could be.
13 Q. Okay. Relating specifically to your vision,
14 are you aware of any conversations she's had?
15 A. I am not.
16 Q. Okay.
17 A. At all.
18 Q. Has she done any research into Viagra that
19 you're aware of?
20 A. Not to my knowledge.
21 Q. Have you had any conversations with her
22 where she reported to you her findings about Viagra?
23 A. No.
24 MS. LESKIN: Okay, let's go off the
25 record.

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1 (Discussion held off the record.)
2 (Break from 1:59 to 2:04 p.m.)
3 (R. Stanley Deposition Exhibit No. 7
4 marked for identification.)
5 THE WITNESS: Oh, I only got a couple
6 of copies of this.
7 BY MS. LESKIN:
8 Q. Okay, back on the record.
9 We've marked as Exhibit 7 a document
10 entitled "Plaintiff's Fact Sheet" and "In Re Viagra
11 Products Liability Litigation," for the case of
12 Richard W. Stanley.
13 A. Mm-hmm.
14 Q. Do you recognize this document, sir?
15 A. I do, I recognize page 1.
16 Q. Okay. And I'm going to ask you to turn to
17 page 30 at the bottom, page 30. At the top it says
18 31 of 35.
19 A. Okay.
20 Q. Do you recognize that document? The page
21 says "Declaration." Do you see that? Are you on
22 the same page? Page 30 on the bottom.
23 A. Oh, no, I got 32.
24 MS. HAUER: I was doing the same thing.
25 There's a couple of different pages it repeats a 31

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1 and 32 in there, so with the authorizations. And so
2 he was doing the same thing I was doing.
3 Q. Okay. On the top it says page 31 of 35. If
4 that helps you find it. There it is right there.
5 A. This is 30.
6 Q. Yes, 30.
7 A. That's the one, okay.
8 Q. Yeah, on the top you see it says on the
9 right, "page 31 of 35"? Along the very top line.
10 A. Oh, yes, thank you.
11 Q. And that document's entitled "Declaration"?
12 A. Correct.
13 Q. Okay. And did you in fact sign this
14 document?
15 A. That's my signature.
16 Q. Okay. And you signed it on or about August
17 15th, 2006?
18 A. Yes, ma'am.
19 Q. Is that the date you signed it?
20 A. Yes.
21 Q. Okay. And at the time you signed this
22 document, was it complete?
23 A. I believe so.
24 Q. Okay. Was it typed like it is currently?
25 A. It was typed.

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1 Q. Okay. And did you type up the document?
2 A. No.
3 Q. Do you know who did?
4 A. Probably Ann Hansen.
5 Q. Okay, and Ann Hansen is who?
6 A. She's the secretary.
7 THE WITNESS: (To Ms. Hauer) Your
8 secretary, right?
9 MS. HAUER: Ms. Hansen is a paralegal
10 of mine.
11 BY MS. LESKIN:
12 Q. At Zimmerman Reed?
13 A. Yes. Yes, thank you.
14 Q. Okay. Tell me what role you took in
15 completing the fact sheet.
16 A. Well, I got a request that said fill this
17 out as completely as you can providing this and that
18 kind of thing and get it back to us by the 1st of
19 September, is basically how the request came.
20 So I went in and tried to remember and dug
21 and looked up addresses and all that kind of thing
22 and filled it out.
23 Q. Okay. And you filled it out by hand?
24 A. In the rough, yes.
25 Q. Okay. In your own, you yourself?

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1 A. My own hand, yes.
2 Q. Okay. And you said you dug and did research
3 and looked up addresses. Besides looking up
4 addresses, what other research did you do in order
5 to complete the document?
6 A. Well, that's an interesting question. Most
7 of it was recalling my, you know, my, let's see,
8 when was that kind of question, when do I think that
9 happened, et cetera.
10 And I looked through here, I mean I had to
11 think through did I ever have cataracts or not, you
12 know, all that kind of stuff.
13 But it was mostly memory except for well, I
14 did, you know, I called -- on a problem I had in my
15 right eye in 1987, I called and asked the St. Paul
16 Eye Clinic what it was, what it was, you know, I had
17 something there, what was it, when was it, and they
18 gave me the little feedback.
19 Q. Okay.
20 A. So I checked where I needed to with others.
21 And I had to call my brother to ask him about his
22 medications. I -- you know, just any and
23 everything.
24 Q. Other than the phone call to the St. Paul
25 Eye Clinic to find out about the information in your

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1 right eye from 1987, did you make any other phone
2 calls to any physicians to help complete the fact
3 sheet?
4 A. Well, the one that refers to my doctor in
5 Milwaukee 20-plus years ago, I didn't call them
6 because he's retired, so I just put in the name.
7 Q. Okay.
8 A. I probably called Dr. Bhavsar or looked up,
9 I had to look up his address at any rate. The other
10 doctors' addresses, that kind of thing. But I don't
11 know that I sought specific guidance from anybody.
12 I mean, you know, Dr. John Gaertner, Dr. Wilton,
13 Dr. So-and-So and all that.
14 Q. Okay.
15 A. I probably, let's see, do I have dates in
16 here. Well, everything was approximate date of
17 treatment, that kind of thing. So there could be a
18 little bit of fuzz on those recollections in terms
19 of dates, you know, a year this way or that.
20 Q. You didn't go back to look at any medical
21 records?
22 A. No, I didn't go back and look at all that
23 stuff. It seemed like if it needed digging we can
24 dig later.
25 Q. Okay.

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1 A. The names of my hospitals. My personal
2 things. Fact witnesses, you know, who were they. I
3 just put down two, the neuro-ophthalmologist and my
4 urologist. My wife and my brother, because I
5 discussed it with them.
6 Q. What did you discuss with your brother?
7 A. I told him that I needed, for a form I was
8 filling out for a lawsuit, to represent what
9 medications he took and how -- when he had his heart
10 attack and all that kind of stuff.
11 Q. Prior to the conversation to fill out the
12 fact sheet, had you had any other conversations with
13 Michael Stanley, your brother, about the lawsuit?
14 A. It's possible. It wouldn't surprise me --
15 they were out here two, three years ago, and sitting
16 down around I might have told him about the
17 litigation. Or not about the litigation but about
18 the problem.
19 Q. Have you had -- did you have any other
20 conversations with your brother about the litigation
21 other than those two conversations?
22 A. Probably not.
23 Q. Okay. Do you know of any other information
24 that Michael Stanley would be providing in support
25 of the litigation?

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1 A. I don't think he'd provide anything. You
2 know, he's got type 2 diabetes, he takes certain
3 meds for it, he's had a heart attack, he's still
4 above ground.
5 Q. But he has nothing to add as far as you know
6 to your medical history or your health?
7 A. No, no, he doesn't know that.
8 Q. Okay. You said you filled this out by hand,
9 right?
10 A. Yes.
11 Q. When you first received it?
12 A. Yes.
13 Q. And then you mailed the form to Zimmerman
14 Reed?
15 A. Mm-hmm.
16 Q. Yes?
17 A. Yes. Yes.
18 Q. And then you got it back typed up?
19 A. Yes, I did.
20 Q. And then you signed it on or about August
21 15th?
22 A. Yes. And I amended one page. There was
23 some fact somewhere where I refilled it out or
24 crossed it off and put in the accurate information.
25 Just one page. It didn't seem to be very sensitive,

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1 A. Yeah, saying this is wrong, I filled out a
2 new one, please re-create it.
3 Q. Did they resend you a fact sheet after that?
4 A. I think so.
5 Q. Okay. And then you signed it or you signed
6 the original version?
7 A. I probably signed the original version. It
8 wasn't sensitive stuff, it just needed to be right.
9 At least that's my recollection.
10 Q. In looking through the fact sheet we marked
11 as Exhibit 7 here today, the fact sheet, is there
12 anything there that looks inaccurate or incomplete
13 to you?
14 A. When I looked at it the other day -- let me
15 answer that this way. The area between when I went
16 blind in my left eye and when I came to start to
17 understand what the reason was, was a period of oh,
18 I've got this problem, relax, you know, you got a
19 blind eye, you got -- God gave you two, so relax.
20 And then it was well, maybe this is it.
21 So for example, it seemed to me there was
22 one date in there that could have been '02 instead
23 of '01, or vice versa.
24 But it, you know, it was -- when I went
25 through it again it looked substantially correct.

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1 but I thought it ought to be.
2 Q. Do you remember which question that was?
3 A. No, I have the crossed-out sheet at home.
4 Q. Okay.
5 A. So I could call you and tell you what page
6 it was, but I --
7 Q. We'd ask for a copy of that sheet you have
8 at home.
9 A. Okay, sheet from home. There's something I
10 can write down.
11 THE WITNESS: (To Ms. Hauer) Why don't
12 you keep track of those things.
13 Q. We'll follow up with your attorney.
14 A. I will, yeah.
15 MS. HAUER: Just put everything in a
16 letter.
17 MS. LESKIN: Exactly.
18 THE WITNESS: Okay, that's good.
19 MS. LESKIN: Let's mark that.
20 (R. Stanley Deposition Exhibit No. 8
21 marked for identification.)
22 BY MS. LESKIN:
23 Q. Okay, go ahead, now you can talk.
24 You said you probably put a little note on
25 it?

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1 Q. Okay. Do you remember which date it was
2 that looked like it could have been '02 instead of
3 '01?
4 A. Well, we might find it, if it's really in
5 this document and not some other one. Go ahead, I
6 can thumb through.
7 Q. Okay, no, that's okay, take your time, I'd
8 rather you be accurate than speedy.
9 A. And the point is I wasn't sure.
10 Q. Mm-hmm?
11 A. You know, when did you discover something or
12 when did you conclude something or, you know, stuff
13 like that. (Examining.)
14 It may have been this one on page 14 at the
15 top of the page. When I contacted Dr. Bhavsar in
16 early '02.
17 Q. Yes?
18 A. I looked -- I think I looked at that and I
19 thought, you know, was that '01.
20 Q. Okay.
21 A. In other words -- and the letter says
22 obviously it's, I think it's '02. So I was, you
23 know, that's one of those sort of time ambiguities
24 that exists there.
25 Q. Okay. And that's the letter that we marked

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1 earlier as Exhibit 6, the January 9, 2002 letter?
2 A. Yes, that probably would have been it, yes.
3 Q. Okay. So in fact the 1/9/02 date is
4 probably the correct date?
5 A. May well be. You know, that whole timing
6 and sequence of events is fuzzy.
7 Q. Okay.
8 A. I mean it's not -- and I suppose it's fuzzy
9 in my mind because I don't think that dates were
10 important there. It was a whole period of sort of
11 revealing discovery and understanding of the problem
12 and how it happened. And so you realize this on one
13 date, you suspect this and you say -- you know,
14 you're bouncing around, but you're not sitting down
15 keeping a log of the whole thing.
16 Q. Okay.
17 A. 'Cause you're not going to sue.
18 Q. Is there anything else in the fact sheet as
19 you look through it now that looks inaccurate or
20 incomplete?
21 A. I don't think so.
22 Q. Okay. We marked as Exhibit 8 a one-page
23 letter dated October 6, 2006, from Ann Hansen of
24 Zimmerman Reed to Heather Hoecke of Oppenheimer,
25 Wolff & Donnelly.

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1 A. Okay.
2 Q. Have you ever seen this letter before?
3 A. Well, it isn't cc'd to me, but I could have,
4 I mean, you know.
5 Q. Do you recall ever seeing this letter
6 before?
7 A. Well, I recall the question about medical
8 expenses and that kind of thing.
9 Q. You're referring to No. 2, correct, on this
10 letter?
11 A. I guess so, yes.
12 Q. And No. 2 says: "Records of Mr. Stanley's
13 medical expenses have not yet been compiled;
14 however, I forward those records as I obtain them."
15 A. And your question is where are they?
16 Q. Well, that was my question.
17 A. Okay.
18 Q. Have you made any effort to compile a record
19 of medical expenses?
20 A. One of the things about the problem I have
21 is, one, I was -- I have not compiled them. So
22 theoretically there might be some secondary claim on
23 any settlement by Blue Cross, not by Medicare,
24 'cause they pay the first bite and Blue Cross pays
25 the second bite. So I don't know how the law works

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1 on that, but maybe if Pfizer loses, maybe then Blue
2 Cross can come back and claim. I don't know how
3 that works.
4 Q. Okay. Have you paid any monies out of
5 pocket to any doctors?
6 A. I don't think so, that's the key point. I
7 have, at this point, no sort of out-of-pocket
8 damages to speak of. I mean maybe I bought, you
9 know, maybe I bought a little Viagra or, you know,
10 but it's nominal.
11 Q. Okay.
12 A. That make sense?
13 Q. It does.
14 A. Okay.
15 Q. You mentioned just a few moments ago that in
16 1987 or earlier you had a condition in your right
17 eye, correct?
18 A. Yes.
19 Q. And in your fact sheet, as you pointed out,
20 you did disclose that and you -- make sure I have
21 the right page. Page 17 of the fact sheet, you
22 identified it as papillitis in the right eye?
23 A. Yup, that's what they identify.
24 Q. Okay. At the time that happened, tell me
25 what symptoms you were experiencing.

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1 A. It was like I had a blurring right in the
2 middle of my eye. But not complete blurring, sort
3 of a I just don't see as well there. I mean I
4 couldn't, you know, maybe I couldn't read very well
5 compared to my then good left eye. But it was --
6 and I, you know, I was working then and this was
7 important, so I saw the doctor right away and he
8 took a look and said I think it's a something or
9 other, gave me drops, and saw me relatively soon and
10 the thing had gone away.
11 Q. How long had it been -- had you noticed the
12 blurry vision between the time of its onset -- how
13 long was it -- strike that.
14 How long was it between the time you first
15 noticed the blurry vision and the time you called
16 your eye doctor?
17 A. I would have reacted pretty quickly to that.
18 And that's not the answer to your question, but it's
19 to say I don't think I'd have waited for a week or
20 two.
21 Q. Would it have been seven to ten days between
22 the time you first noticed it and saw your doctor?
23 A. It probably would have been a day or two.
24 Q. You saw Dr. Pelletier?
25 A. Pelletier, yes. He's retired now.

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1 Q. And he was at the St. Paul Eye Clinic at the
2 time?
3 A. Yes, ma'am.
4 Q. And if his notes indicate that the blurry
5 vision had been there for seven to ten days?
6 A. He said that. Okay, well then that's what I
7 did.
8 Q. Okay.
9 A. I would have thought I reacted, would have
10 reacted sooner. But that's what I did.
11 Q. Did he run any tests to determine the nature
12 of the blurry vision?
13 A. I don't remember. I know he looked, I mean
14 (gesturing) with the light and all that. What he
15 was looking at was retinal tissue that was swollen.
16 But apparently just temporarily swollen.
17 Q. Okay. Did he tell you what caused the
18 swelling?
19 A. I don't recall going away with any
20 impression that there was a specific cause. It
21 sorta just happens, like it wasn't bright lights or
22 anything like that.
23 Q. And how long was it from the time that you
24 first noticed the blurry vision until it resolved?
25 A. Several weeks.

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1 Q. And did it resolve gradually or suddenly?
2 A. It seems to me it resolved gradually.
3 Q. And was the onset gradual or sudden?
4 A. I think the onset was more rapid. But
5 that's about as far -- this is 20 years.
6 Q. Do you recall having an angiogram at the
7 time of that occurrence?
8 A. What's an angiogram?
9 Q. An angiogram is where they put a dye in to
10 look at the vessels.
11 A. They put dye in my eye. I mean, I thought I
12 heard it in connection with hearts or something.
13 Q. Okay.
14 A. But yes, they put dye in my eye.
15 Q. So they can map the vessels?
16 A. So they were doing some sort of mapping I
17 suppose, yes.
18 Q. Okay. And did they find any kind of
19 blockage with the vessels?
20 A. I don't recall.
21 Q. Did they tell you whether there was any
22 problem with your optic nerve at the time?
23 A. Nope.
24 Q. No, they didn't tell you? Or they said
25 there was no problem with your optic nerve?

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1 A. They didn't tell me.
2 Q. Now, you said that when you were completing
3 your fact sheet in connection with this litigation
4 you called the St. Paul Eye Clinic to find out what
5 they diagnosed it as, correct?
6 A. Yes, the information there is what I got
7 from them over the phone.
8 Q. Okay, and they told you that they had
9 diagnosed papillitis in the right eye?
10 A. Yes, I guess that's what I wrote down.
11 Q. Okay. When you later had problems with your
12 vision at any time, did you discuss the papillitis
13 in your right eye with your doctors ever again?
14 A. I don't think so.
15 Q. Did any doctor ever tell you that the
16 papillitis in your right eye was possibly related to
17 the injury you currently have in your left eye?
18 A. No. But one --
19 Q. Did you ever ask any of the doctors?
20 A. But one would have been before the other.
21 The timing doesn't make that work. One, it's 15
22 years later. Two, it's a different doctor. Because
23 Dr. Pelletier had retired. So he wasn't my
24 ophthalmologist when all this happened.
25 Q. Okay. Did you ever ask any of your doctors

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1 whether the papillitis in your right eye in 1987 was
2 related to your current --
3 A. I did not.
4 Q. -- condition in your left eye?
5 A. I did not.
6 Q. Now, in 1991 you again visited
7 Dr. Pelletier, correct, with an eye issue?
8 A. I don't even remember that.
9 Q. Do you recall seeing him in July of 1991
10 complaining of eye fatigue?
11 A. I don't even remember that, again.
12 Q. Do you recall him telling you that the
13 peripheral visual acuity of your right eye was
14 fuzzy? Or you telling him that your peripheral
15 vision was fuzzy in your right eye?
16 A. Oh, hold it. I think I had floaters. Which
17 are little things that sort of, they're little blurs
18 that travel around in the vitreous humor of your
19 eye. And I think I noticed it playing tennis that
20 I, you know, the ball came and it disappeared
21 briefly into that little funny spot.
22 Q. And that was in 1991?
23 A. That sounds like, yeah, because that did
24 happen to me. And it was subsequent to that.
25 Q. Okay. We do have some indication that you

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1 had floaters in 1996.
2 A. Okay, that could be, too.
3 Q. Do you recall several instances of seeing
4 floaters?
5 A. It could have happened if I'd been in for a
6 regular eye checkup.
7 Q. Okay.
8 A. But I only really recall going in on the
9 floaters just to find out if they were a problem on
10 the one occasion.
11 Q. So let me ask you this way. Do you recall
12 discussing with Dr. Pelletier problems with your
13 peripheral visual acuity in your right eye
14 subsequent to the original diagnosis of papillitis?
15 A. I don't remember anything like that.
16 Q. Okay. And do you recall him telling you
17 that your right optic disc was pale as compared to
18 your left optic disc?
19 A. Boy, I wouldn't remember that now.
20 Q. Okay. Has any doctor ever talked to you
21 about the appearance of your optic disc?
22 A. Optic disc, what is that?
23 Q. Okay, that's not a term you're familiar
24 with?
25 A. No. Is that my retina?

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1 Q. The optic disc is in the back of the eye.
2 A. Oh, just where the retina sits so to speak.
3 Q. Well, if you're not familiar with it -- I'm
4 not going to answer your questions.
5 A. Okay, yeah.
6 Q. Are you familiar with the term optic disc?
7 A. No, I'm not.
8 Q. No doctor has ever talked to you about the
9 appearance of an optic disc?
10 A. When I had my left eye retina fixed,
11 Dr. Bhavsar might have used the term, I don't recall
12 that.
13 Q. Okay.
14 A. But it could happen. I don't recognize the
15 term.
16 Q. Okay, and so you don't recall anyone talking
17 to you about a pale disc on your right eye?
18 A. No, I don't, have no recollection.
19 Q. Okay. Now, you talked a moment ago about
20 your seeing floaters in your eye. Do you recall
21 that?
22 A. Yes.
23 Q. Okay. And according to the records in
24 September of '96, you saw Dr. Weingarden to talk
25 about floaters?

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1 A. Okay.
2 Q. Do you recall talking to Dr. Weingarden
3 about the floaters?
4 A. I don't recall that particular time. He
5 referred me -- I was referred to him by
6 Dr. Sheridan, who was my regular ophthalmologist.
7 Probably.
8 Q. Tell me again about the floaters that you
9 saw.
10 A. It's a little spot in your eye that moves
11 around. And it -- often they wind up being
12 absorbed. But it's, whether it's a little dry place
13 in your vitreous humor or what, I have no idea. But
14 it, but it doesn't -- it isn't just in one place,
15 and it can sort of move out of the way or into the
16 way and that kind of thing. That's all I know about
17 it.
18 Q. Did anyone ever tell you that you had
19 vitreous detachment?
20 A. Don't know that term.
21 Q. Okay.
22 A. But it probably relates to this 'cause I'm
23 talking about the vitreous humor.
24 Q. Okay. But no one ever told you that you
25 have a vitreous -- that you had vitreous detachment

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1 in your left eye?
2 A. I don't remember that term.
3 Q. And you don't recall Dr. Weingarden telling
4 you that the floaters were a result of the vitreous
5 detachment?
6 A. That might have been a part of his
7 discussion, but I don't really recall.
8 Q. Okay. What did Dr. Weingarden tell you
9 about the risks associated with the floaters you
10 were seeing?
11 A. If he told me anything I don't recall.
12 Q. Did he recommend any treatment for it?
13 A. Not as I recall.
14 Q. Did he ever tell you that your condition
15 could lead to retinal detachment?
16 A. I don't think so. Again, not recalled.
17 Q. Did the floaters resolve themselves? Or did
18 you continue to experience floaters?
19 A. That's a good question. Sometimes they'll
20 absorb. But, you know, we get used to things, too.
21 And they certainly weren't so bad that I was
22 incapacitated if I had floaters. So they either
23 resolved themselves or I got used to them.
24 Q. You don't really recall one way or the
25 other?

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1 A. That's the best answer I can give you.
2 Q. Now, Dr. Sheridan was your routine
3 ophthalmologist?
4 A. Yes, ma'am.
5 Q. And you had your routine checkups with him
6 on a regular basis?
7 A. Yes.
8 Q. And he would take care of the prescription
9 for your glasses?
10 A. Mm-hmm.
11 Q. Yes?
12 A. Yes.
13 Q. Okay. Do you recall continuing to report to
14 Dr. Sheridan that you were experiencing floaters in
15 your right eye after that initial evaluation by
16 Dr. Weingarden?
17 A. Well, Dr. Sheridan saw me every, probably
18 every other year back then. And I don't -- I don't
19 recall reporting anything to them -- to him, so it
20 wouldn't surprise me if there's -- if they went
21 away, like I suggest is a possibility. Or that I'd
22 gotten used to them and they weren't a problem.
23 Q. If he was noting floaters in your records,
24 though, would that be a good indication that you did
25 in fact continue to experience floaters?

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1 MS. HAUER: Objection, form.
2 THE WITNESS: Excuse me?
3 Q. You can answer if you're able.
4 A. I'm sorry.
5 Q. You can answer the question if you're able.
6 A. Repeat, please.
7 Q. Sure. Dr. Sheridan's notes indicate that
8 you did continue to report floaters during your
9 routine visits to him.
10 A. Okay.
11 Q. So would that refresh your recollection that
12 you were continuing to experience floaters?
13 A. I wouldn't question what he wrote. I
14 presume I was.
15 Q. We talked earlier about your back surgery in
16 I think early 1999, late '98 time period?
17 A. '97 was my surgery No. 3.
18 Q. Okay, so in 1997. After that surgery you
19 used ibuprofen at some point?
20 A. Yes. I'm not supposed to use the
21 anti-inflammatories because they don't go well with
22 Coumadin, warfarin. So if I took any painkillers,
23 other than the day after the surgery, it would have
24 been acetaminophen.
25 Q. Did you ever use ibuprofen?

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1 A. Not in many years.
2 Q. Did you use ibuprofen after your surgery in
3 '97?
4 A. I doubt it, but I don't know.
5 Q. Do you recall --
6 A. I could have. Theoretically I didn't have
7 the heart problem until '99, I didn't know I had the
8 heart problem, so I could have used it '97 to '99.
9 Q. And do you recall that after using the
10 ibuprofen for your back surgery, you again
11 experienced floaters?
12 A. I never connected the two, if there's a
13 connection.
14 Q. Well, do you recall reporting that to
15 Dr. Sheridan that you had floaters after using
16 ibuprofen for your back surgery?
17 A. That's interesting, no, I don't recall that
18 at all.
19 Q. And so you wouldn't remember whether it
20 resolved when you stopped using ibuprofen?
21 A. I think that's fair, yes.
22 Q. Did you ever do any research on your own
23 about the floaters you were experiencing?
24 A. No.
25 Q. Did Dr. Weingarden or Dr. Sheridan ever give

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1 you any literature about the floaters?
2 A. I don't think so. I don't think they were
3 seen as one of those things you need to pass out a
4 booklet on. But he might have.
5 Q. You began experiencing additional problems
6 in your left eye in June of 2000, right?
7 A. I saw Dr. Sheridan.
8 Q. Okay.
9 A. Go ahead.
10 Q. And why did you see him?
11 A. For my regular checkup.
12 Q. Okay.
13 A. And he took a look at my left eye and said,
14 "You have a partially detached retina." And I said,
15 "Oh, that's what those funny little flutterings are
16 in my eye," or something like that. And he said,
17 "I'm going to make a phone call. I want you to see
18 somebody if he's in his office today." So I went
19 right down the street and saw Bhavsar, who is with
20 the Retina Center. And he took a look and said,
21 "Can you come to our place for surgery at 8 a.m.
22 tomorrow," words to that effect, something like
23 that. And I said, "Sure."
24 And apparently a detached retina is the sort
25 of thing you don't want to wait around on, you can't

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1 sort of drag your feet and watch it for a while.
2 So I went in and by -- I was home by noon
3 from having a retina reattached, or the partial
4 reattachment.
5 Q. You mentioned that when you were talking to
6 Dr. Sheridan and he told you you had a detached
7 retina that you said, "Oh, that's what those
8 floating things were." Had there been an increase
9 in floating floaters?
10 A. When I said floating things, someday you
11 might have a detached, partially detached retina.
12 Instead of little floaters, that isn't what I was
13 describing, it was sort of a glittery shimmering on
14 the outside, you know, not in the middle but on the
15 outside a shimmering, a light shimmering. That's
16 what the detached retina that manifests itself.
17 Okay.
18 Q. And when did that start? When did you start
19 noticing that glittering on the side?
20 A. I didn't go in to see him on that. I just
21 figured that was sorta normal.
22 Q. Okay. How long had you been experiencing
23 that, though, before you saw him?
24 A. Might have been a year or two. That's a
25 might-have-been.

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1 Q. Okay. You don't have any recollection of
2 exactly when that started?
3 A. No, I just, you know, when he said it's a
4 problem, I said gee, I've had that for a bit. But I
5 have no time thing on that.
6 Q. And you said they were different from the
7 floaters that you had been experiencing several
8 years before?
9 A. Absolutely. Floaters were darker spots,
10 dark gray spots kind of thing. And this was
11 shimmering light on the side.
12 Q. And the shimmering light on the side, did
13 that gradually get worse? Or was it pretty constant
14 once you started noticing it?
15 A. I have no idea. I'm sure it got worse or it
16 wouldn't have been apparent. It wasn't apparent two
17 years earlier. So that's the time horizon we're
18 dealing with.
19 Q. Was it interfering with your ability to
20 function in the course of the day?
21 A. No, but it was a, I guess it was a small
22 aggravation or I was a little more conscious of it.
23 So it, it might have been progressive. Probably is.
24 Q. Was it more noticeable when you were doing
25 certain activities versus other activities?

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1 A. I can't answer that. Don't know.
2 Q. Were you able to drive?
3 A. Yes.
4 Q. Were you able to watch television?
5 A. Yes.
6 Q. Were you able to read?
7 A. Yes.
8 Q. What did Dr. Sheridan tell you about retinal
9 detachment, what that was?
10 A. Well, you know, I'd heard of detached
11 retinas, and they sound serious, because the
12 retina's kind of the thing that gathers all the
13 light in the right way for an eye. And so when he
14 said, "I'm going to make an appointment with
15 Dr. Bhavsar for you and he's there and go see him,"
16 I took it as a serious matter.
17 Q. You said that you had heard of retinal
18 detachment. How had you heard about that?
19 A. Oh, people have had it, I mean you hear.
20 You know, it's one of those things maybe older
21 people talk about, I don't know.
22 Q. Did Dr. Sheridan give you any information as
23 to what caused your retinal detachment?
24 A. No, not to my knowledge, to my recollection.
25 Q. Did he explain to you what would happen if

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1 you did not have your retinal detachment reattached?
2 A. I think he either said or implied that it
3 gets -- it tends to get worse, so you better get it
4 done. That's why they want it done yesterday.
5 Q. Had there been any trauma that you recall to
6 your eye that would lead to the detachment?
7 A. No.
8 Q. So you went from Dr. Sheridan to see
9 Dr. Bhavsar, correct?
10 A. Yes, ma'am.
11 Q. What did Dr. Bhavsar do that day?
12 A. He took a look and said, "Come see me
13 tomorrow at surgery." And he said, "You have a
14 detached retina, it's not detached in the middle,
15 which is good, and you better come in and get it
16 fixed 'cause you never know how these things go,"
17 words to that effect I'm sure.
18 Q. How did he examine you?
19 A. Well, I'm sure -- I don't recall any
20 element, him putting any elements in my eye like the
21 dye. But maybe he did. He just looked hard. And I
22 think it was not a challenging diagnosis. It
23 probably -- it may have needed scientific
24 verification with a special instrument or something,
25 but it was not a -- it was not a puzzler.

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1 Q. Did he run any tests?
2 A. Probably. He might have. But I don't
3 recall.
4 Q. Did Dr. Bhavsar give you any information as
5 to what had caused your retinal detachment?
6 A. Not to my knowledge, not to my recollection.
7 Q. Did you ask him what caused your retinal
8 detachment?
9 A. I might have. And he might have said it's
10 just one of those things. But I don't recall
11 specifically.
12 Q. And he didn't tell you any information that
13 the floaters you had experienced a few years earlier
14 were at all related to the retinal detachment?
15 A. He did not make that connection. To my
16 recollection.
17 Q. And what did you tell Dr. Bhavsar about how
18 long you'd been experiencing the symptoms of the
19 shimmering off to the right -- or off to the side?
20 A. If the question was asked, I don't remember
21 what I said. The issue really was you've got this
22 problem, it's best dealt with yesterday, let's get
23 it done.
24 Q. And he did the surgery the following day?
25 A. I believe the following day or two days

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1 away in time.
2 And that's the part I remember. How am I
3 going to, you know, what do I do now, doc. Well,
4 you go home and you sleep on your back I guess it
5 is, don't ever put your head way down, you know,
6 that kind of stuff.
7 Q. Okay.
8 A. I'm not sure that answered your question
9 fully, but go ahead.
10 Q. Well, we were talking about cup-to-disc
11 ratio, and you were telling me how you learned --
12 let me just get the question. You were telling me
13 how you learned what a cup-to-disc ratio was.
14 A. Well, I don't think I really learned the
15 ratio at all. But I had the sense that it had to do
16 with the shape of the eye and that kind of thing.
17 Q. Has any doctor ever talked to you about your
18 cup-to-disc ratio?
19 A. No. Should they?
20 Q. Has anyone ever told you that you have
21 age-related macular degeneration?
22 A. I've seen that phrase.
23 Q. Okay. Have you seen it in relation to you?
24 A. Yes, I think so.
25 Q. Okay. Where?

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1 later or something like that.
2 Q. Did Dr. Bhavsar tell you anything about your
3 cup-to-disc ratio?
4 A. Probably. It's not the sort of information
5 I try and retain.
6 Q. Okay. Do you know what a cup-to-disc ratio
7 is?
8 A. No. But it has to do -- it probably has to
9 do with the shape of the eye. But if I'm close,
10 that's as far as I go.
11 Q. And how did you learn that?
12 A. Well, at some point when I went back to see
13 him or something he probably described what he did.
14 And he talked about a buckle, and I don't know what
15 that means, but when you -- let's see, it was a
16 weird piece of work because I had to keep my head
17 down for the next two days or week or something or
18 sleep with my head down instead of up. Or up
19 instead of down because of the little bubble. I
20 don't know if you know about this stuff. When you
21 have a reattachment, the only way to hold it in, you
22 can't put stitches in, is you sleep in such a way
23 that a little air bubble that he puts into your eye
24 always floats up and holds the retina against the
25 place it should be. And that little air bubble goes

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1 A. Well, probably one of my physicians,
2 Dr. Sheridan or Dr. Bhavsar. Or Dr. Weingarden,
3 he's a possible, too, 'cause he, he would be looking
4 at that kind of stuff.
5 Q. Do you know what macular degeneration is?
6 A. It's degeneration of the macula. Or the
7 macula is the middle point in your eye and it means
8 it's losing its sensitivity, if you will, to light
9 and color and focus and all that.
10 Q. And has anyone explained to you the natural
11 progression of macular degeneration?
12 A. No, I don't think so. I've heard of people,
13 people I know who have, you know, more rapid macular
14 degeneration than my age-related.
15 Q. And are you aware that macular degeneration
16 could lead to blindness?
17 A. I am.
18 Q. Has anyone told you how far your macular
19 degeneration has gone?
20 A. Not to my knowledge.
21 Q. Have you ever been told you have reticular
22 pigmentary degeneration?
23 A. Reticular, no, I don't know that phrase. I
24 don't recall the phrase.
25 Q. Has anyone ever diagnosed you with

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1 paving-stone degeneration?
2 A. Same answer.
3 Q. You're not familiar with those phrases?
4 A. No. You know, doctors don't tell you
5 everything, you know.
6 Q. Did you ever do any research about retinal
7 detachment?
8 A. It's possible.
9 Q. What do you recall from any research you've
10 done?
11 A. I don't really recall. You know, the basic
12 issue was the thing is partially detached and you
13 want it reattached. It doesn't need a lot of
14 research to figure that out. I might have done
15 something like that. But, you know, it was a day
16 between this and that, so I might not have even done
17 that.
18 Q. When Dr. Bhavsar recommended the surgery to
19 reattach your retina, did he review with you any of
20 the risks associated with that surgery?
21 A. I'm sure he did. But I don't recall them.
22 Q. Okay.
23 A. I mean presumably -- I shouldn't say
24 presumably, I don't know, I don't recall any of
25 them, but I'm sure there were some. They always

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1 have a litany of those things.
2 Q. Did he tell you that one of the risks is
3 that he would not be able to reattach your retina?
4 A. I would presume so, but I don't know that.
5 Q. Did he tell you one of the risks was
6 blindness?
7 A. He probably did. But I don't recall that.
8 Q. Did you have any complications that you're
9 aware of from the surgery?
10 A. Not that I recall.
11 Q. Now, you had the surgery done on June 6th,
12 correct?
13 A. Right.
14 Q. And you saw Dr. Bhavsar the following day
15 for follow-up?
16 A. If you say so. You know, I don't remember
17 the chronology.
18 Q. Okay. And you saw him the following --
19 continued to see him the following week, correct?
20 A. Okay. Again, I accept your warning.
21 Q. Okay. Over the next couple weeks, did your
22 eye vision improve?
23 A. Yes.
24 Q. Was there a time that you were unable to
25 open your eye because your vision was so bad?

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1 A. I don't recall that, no.
2 Q. Do you recall reporting -- you don't recall
3 reporting to Dr. Bhavsar that you were able to open
4 your eye, but your vision was so bad you preferred
5 to keep it closed?
6 A. I don't recall that, but it could have been.
7 I mean, you know, day after surgery, I don't know
8 how -- I don't remember how I went through that
9 period.
10 Q. At some point were you able to see out of
11 your left eye after the surgery?
12 A. Oh, sure.
13 Q. What was your vision in your left eye?
14 A. He didn't measure when I went in the last
15 time or anything?
16 Q. I'm asking if you remember your vision.
17 A. I don't remember, no. I know I -- my vision
18 came back in my left eye over the several months.
19 Q. Were you able to see distance out of the
20 left eye?
21 A. Yes.
22 Q. At some point, though, your right eye was
23 still better than your left eye?
24 A. Alas, my left eye was my good one. But I
25 don't think the mac -- the retina thing made it

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1 better, clearly, although it made it better in a
2 short-term sense.
3 Q. You say your left eye was your good one?
4 A. Well, see, my left eye was the better eye
5 always. Because I had had that swelling thing in
6 1987 that left a little bit of sort of fuzziness in
7 that eye. So I think I saw better with my left eye
8 than my right eye. That's my recollection.
9 Q. Did anyone ever tell you whether the
10 incident in your right eye was an ischemic optic
11 neuropathy?
12 A. If that term doesn't appear on one of those
13 sheets, I mean I wouldn't remember the name
14 "ischemic" anyway. So if it doesn't appear on the
15 report, then it didn't happen.
16 Q. During the summer of 2000, after your
17 reattachment surgery, did your left eye continue to
18 get better?
19 A. I believe so.
20 Q. Had it stabilized?
21 A. I don't know what "stabilized" means but --
22 because I don't know had this other event had not
23 happened, where my left eye would have wound up in
24 the final. I mean we had what, two and a half
25 months, three months there, whether it, over six

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<p>1 months it's supposed to get better still or not, I 2 have no idea. 3 Q. Okay. But in the two months between the 4 surgery and the -- or almost three months between 5 the surgery -- 6 A. Yeah, two and a half plus, right. 7 Q. -- and the onset of your other problems, was 8 it just continually improving or had it plateaued? 9 A. It must have gotten to a point where I 10 wasn't conscious of it every day. And that would 11 have been in the first few weeks probably. 12 Q. Do you recall reporting to Dr. Sheridan on 13 August 7th of 2000 that you could see more clearly 14 with your right eye than your left eye? 15 A. I don't recall reporting that. 16 Q. Do you recall reporting that you were still 17 experiencing floaters? 18 A. I don't recall that either. Which eye? 19 Q. Just asking if you recall experiencing 20 floaters. 21 A. Okay. 22 Q. And at some point you started seeing a gray 23 spot, correct, in your left eye? 24 A. Gray spots. This is before the Viagra event 25 or after?</p>	<p>1 A. And because the timing was right for that, 2 end of August, early September. Which means we were 3 going to be there for four, five, six days, you 4 know, something like that. And that's essentially 5 what I remember. The specific day, you know, you're 6 guessing. 7 Q. When would you have arrived up at the lake? 8 A. Oh, we could have gone up on a Tuesday or a 9 Wednesday. Probably not Thursday, just 'cause we 10 give ourselves a couple extra days. So we might 11 have gone up, let's say we went up Wednesday. 12 Wednesday. 13 Q. And how long after you arrived do you recall 14 noticing the problem with your eye? 15 A. I can't -- I'm trying to recapture time on 16 this and it's tricky because this -- I'm just -- I 17 forget what the days of the week are then. I don't 18 know, do you have any of that? 19 Q. Well, I can tell you that August 31st was a 20 Thursday. 21 A. Okay. That fits. I think we probably went 22 up on Wednesday and I had the problem Thursday. 23 Couldn't see out of my left eye. I think that's 24 probably the right answer. 25 Q. Okay. And then when you said you couldn't</p>
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<p>1 Q. Well, at some point do you recall seeing a 2 gray spot in your vision in your left eye? 3 A. Well, my left eye became one whole gray 4 spot. 5 Q. Okay. 6 A. In other words, that's when I got up in the 7 morning and I couldn't see because everything was 8 gray. 9 Q. Okay. Tell me what happened. 10 A. I woke up in the morning and I came out and 11 I realized that I couldn't see out of my left eye. 12 Q. What date was that? 13 A. I think in my considering this, I tried to 14 recapture as best I could the timing. And I think I 15 may have put down on the sheet that it was either 16 the 31st of August or the 1st of September. 17 Q. Okay. 18 A. And I can't get any more specific than that. 19 You know, I'm not keeping a log of these things. 20 Q. Do you recall what day of the week it was? 21 A. No, I don't. My guess is we were up there 22 for a long Labor Day weekend. 23 Q. "Up there" meaning up at your cabin? 24 A. Up at the cabin, right. 25 Q. Okay.</p>	<p>1 see out of your right eye, what was the first -- 2 A. No, no, my left eye. 3 Q. Your left eye, I apologize. What was the 4 first symptom that you recall? 5 A. Symptom? 6 Q. Yes. 7 A. When I closed my right eye I couldn't see 8 anything. 9 Q. Okay, it was completely dark? 10 A. Not dark. And it isn't dark today, it's, 11 you know, I mean there's lights overhead. But 12 what -- nothing that's coherent. 13 Q. Is your vision today the same it was that 14 day that you woke up? 15 A. I would say so, yes. 16 Q. Okay. 17 A. I'm not sure what a doctor would test, but. 18 My, my left eye is not opaque, it's not black. It's 19 a heavy shade of sort of medium gray where, you 20 know, you can see a little of this and a little of 21 that. But it's not a useful eye. 22 Q. Did it start as a spot off to the side and 23 move? Or has it always been in the same location? 24 A. It was bang, right there. It wasn't a spot, 25 it was the whole eye.</p>

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1 Q. And is it just the center? Or is there some
2 peripheral vision?
3 A. I have a little more, I think I get a little
4 more light on the sides than I do in the middle.
5 But they're both bad.
6 Q. And this happened as soon as you woke up?
7 A. Yes.
8 Q. And how did you notice it? Just you noticed
9 that you couldn't see? Or you happened to close an
10 eye? What happened?
11 A. I don't know. Have somebody put tape over
12 your face at night without you knowing, wake up in
13 the morning, and I think you know pretty quick. I
14 mean I think I was just, you know, I got out of bed
15 and probably rinsed my face, it was -- I wasn't
16 seeing right and I knew something was fishy. And I
17 went out in the other room and sat down and said,
18 you know, "I'm not seeing out of my left eye."
19 Q. What time was it that you woke up that
20 morning?
21 A. Oh, we get up at 8 o'clock, 8:15, 8:30,
22 something like that.
23 Q. And did you do anything to your eye to
24 self-treat it at that point?
25 A. No, I don't think so. I might have rinsed

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1 never was.
2 Q. And what did Dr. Bhavsar tell you when you
3 saw him on that Tuesday?
4 A. He said, "It's not your retina." I mean, I
5 made the assumption that the retinal attachment had
6 gone bad. I mean I thought, that was my diagnosis.
7 I didn't go to the doctor up there because I said,
8 "Oh, boy, the retina has gone bad and my left eye is
9 done and that's awful." So I kind of sat around and
10 brooded about it for a day and then called him the
11 next day.
12 And he said, "Come see me." I went in and
13 he said, "The retina's fine. It's attached just
14 like it's supposed to be." And then he said this
15 is -- there's, you know, whether he said there's
16 swelling or there's whatever the funny word is,
17 series of words or whatever he said, "You need to go
18 back to see Dr. Weingarden," who was the
19 neuro-ophthalmologist, who I saw maybe the next day.
20 Q. Did Dr. Bhavsar order any tests?
21 A. I don't believe so. I think he tested me on
22 his equipment there.
23 Q. What kind of tests?
24 A. (Gesturing.) I have no idea.
25 Q. Okay.

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1 it out a little extra, but.
2 Q. Did you call your doctor?
3 A. Nope.
4 Q. When's the first time you called a doctor?
5 A. I believe I called the doctor the day after.
6 Q. The 1st? Of September?
7 A. Yes, on the 1st, the Friday.
8 Q. Okay. And who did you call?
9 A. Dr. Bhavsar.
10 Q. Okay, and what did he tell you?
11 A. He said, "When can you get in here?" And I
12 said, "Well, we're up north and we'll come down."
13 And he said, "Well, I'll see you first thing
14 Tuesday."
15 Q. And that was the Tuesday that you saw him on
16 the 5th?
17 A. If that's what it shows, that fits with my
18 recollection of the timing.
19 Q. Okay. Did you tell Dr. Bhavsar when you
20 first saw him on September 5th that this gray spot
21 had been there for a week or two?
22 A. Not that I recall. I might have said -- you
23 know, as I said, I'm a little uncertain on the
24 timing. It might have been a day or two, but I
25 don't think it was a week or two in any sense. It

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1 A. I mean, I don't recall him putting any dye
2 in again, although he could have. But he got -- you
3 know, he might have put a dye in, he might have put
4 in something to relax or something. Because he had
5 me on the kind of thing that doesn't look for the
6 problems he looks for, but looks for other kinds of
7 problems. And I think that's the point at which he
8 said, "You have swollen" something or other or you
9 have, whatever the fancy terms are for these parts
10 of your eye having more fluid in them than they
11 should. I guess that's part of the problem.
12 Q. Okay.
13 A. That's my recollection.
14 Q. Did he give you any medications?
15 A. No, he sent me across the street.
16 Q. To Dr. Weingarden?
17 A. To Weingarden, yes. Or across the river, as
18 we say here.
19 Q. Did Dr. Bhavsar take any blood?
20 A. Not that I recall.
21 Q. Did he order any blood work?
22 A. Not that I recall.
23 Q. And so you went to see Dr. Weingarden. What
24 did Dr. Weingarden do?
25 A. Well, he, again, you know, he took the same

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1 kind of look as Bhavsar did. Whether he put any
2 elements in there or not to color things or not, I
3 have no recollection. But it was pretty clear to
4 him that I had that same kind of swelling that
5 Bhavsar had sort of characterized to me.
6 Q. Okay.
7 A. And he says, "You have this kind of thing
8 and sometimes steroids are good for this, I'm going
9 to give you a pill sequence of steroids to deal with
10 it. And come back in three days or call me in a
11 week," or whatever it was.
12 Q. Okay. Did Dr. Weingarden use the term
13 "ischemic optic neuropathy"?
14 A. He might have, yes. This is his natural
15 field, so that would be likely.
16 Q. Okay. Did he tell you what causes ischemic
17 optic neuropathy?
18 A. Not that I recall.
19 Q. Did Dr. Bhavsar ever tell you what causes
20 ischemic optic neuropathy?
21 A. No, I don't think so.
22 Q. Did Dr. Weingarden order any type of blood
23 work?
24 A. Not that I recall.
25 Q. Did you ever have a test called a sed rate?

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1 A. Sed rate is a, that's a very common blood
2 test, isn't it?
3 Q. Mm-hmm, yes.
4 A. Sedimentary [sic] rate. I don't know what
5 they're trying to figure out, how things settle in a
6 jar or whatever it is. I don't recall. But again,
7 that would have been a very simple sort of blood
8 extraction, wouldn't it?
9 Q. Okay. But do you recall having that done?
10 A. I don't.
11 Q. Do you recall having a biopsy, a temporal
12 arterial biopsy, where they take a piece of your
13 artery out from the temple of your head?
14 A. I don't remember that at all. If that
15 happened, maybe I was asleep.
16 Q. Did the prednisone help your vision at all?
17 A. Did the what?
18 Q. The steroids.
19 A. It didn't change anything.
20 Q. Did Dr. Weingarden ever, even after that
21 first visit, tell you what the causes of ischemic
22 optic neuropathy are?
23 A. If he did, I don't recall.
24 Q. Did any of your doctors ever tell you what
25 causes ischemic optic neuropathy?

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1 A. I don't think so.
2 Q. Did you ever do any research as to what
3 causes ischemic optic neuropathy?
4 A. It was probably part of the few things that
5 I called up or have seen historically.
6 Q. Okay. And sitting here today, do you have
7 an understanding of what causes ischemic optic
8 neuropathy?
9 A. Not really, no.
10 Q. Did anyone ever tell you that it involves a
11 decrease in blood flow to your optic nerve?
12 A. Maybe. Yeah -- that's logical, but I, you
13 know.
14 Q. Before I mentioned that, did you -- were you
15 aware of that happening, of that being the case?
16 A. I wouldn't have -- I might have guessed that
17 if you gave me 20 minutes, but no.
18 Q. Okay. Did Dr. Weingarden ever tell you any
19 of the risk factors for ischemic optic neuropathy?
20 A. I don't know.
21 Q. Did Dr. Bhavsar ever tell you any of the
22 risk factors for ischemic optic neuropathy?
23 A. I don't think so.
24 Q. Did any of your other doctors ever discuss
25 with you any of the risk factors for ischemic optic

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1 neuropathy?
2 A. Not that I recall.
3 Q. In any of your research have you personally
4 learned of any of the risk factors for ischemic
5 optic neuropathy?
6 A. Well, I obviously subscribe to one theory.
7 Q. Okay, and what theory is that?
8 A. That is, that it's caused by Viagra.
9 Q. Okay. Other than Viagra, are you aware of
10 any other risk factors?
11 A. I don't think so.
12 Q. Did anyone ever tell you that high blood
13 pressure is a risk factor for ischemic optic
14 neuropathy?
15 A. I don't think so. I might have read that
16 more recently, but I -- it isn't something I focused
17 on.
18 Q. Okay. Did anyone ever tell you that there
19 have been reports of retinal reattachment surgery
20 associated with ischemic optic neuropathy?
21 A. No.
22 Q. Did anyone ever mention to you that your age
23 is a risk factor for ischemic optic neuropathy?
24 A. I don't think so, but that, that's certainly
25 a possibility I would guess.

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1 Q. Did you ever ask any of your doctors if any
2 of those things were potential risk factors for
3 ischemic optic neuropathy?
4 A. No, I don't think I did. Or if -- if I did,
5 I didn't dig into it in any deep sense.
6 Q. You told me that you thought that Viagra
7 could cause ischemic optic neuropathy. Prior to
8 your noticing the loss of vision in your eye, the
9 gray spot that you were telling me about, when's the
10 last time you took Viagra?
11 A. May I call a halt for just a second and hit
12 the men's.
13 Q. We can take a break. Can you answer my
14 question before we take a break, though?
15 A. I'd rather -- don't leave the question
16 unanswered. Take a break after the question's
17 answered. Isn't that what you said?
18 Q. After it's answered, yes.
19 MS. HAUER: Right.
20 A. Yes. Okay, and the question was?
21 Q. Prior to seeing the gray spot on your left
22 eye, when had been the last time you had taken
23 Viagra?
24 A. I believe it was the night before.
25 Q. Okay.

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1 you know, it's, we're up north to kind of relax and
2 swim and fish and stuff like that.
3 And I think, when I look back over the
4 years, it's always been a time when I felt like, you
5 know, okay, no time pressures on us, one thing or
6 another, let's have a little fun tonight. And so I
7 think -- and whether my wife ever sort of picked up
8 on this, but looking back on it, I think that I had
9 a tendency to want to have sex when we'd get up
10 north. It was time to relax, it was time to let it
11 all hang out kind of thing.
12 That's the context in which I have concluded
13 that it was a one day, probably a one-day overnight
14 kind of thing.
15 Q. You told me earlier that you weren't sure if
16 you had got up there on Wednesday night, it may have
17 been Tuesday night.
18 A. Well, you know, that -- there's no record
19 there. I just know if we're going up for Labor Day
20 weekend, we'd have probably gone Tuesday or
21 Wednesday. And Wednesday fits with the onset date
22 and the day after I called and one thing or another.
23 So I've sort of fit those into place but I, I can't
24 force them in, I can just say that fits with the way
25 I would have done things.

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1 MS. LESKIN: You can take a break and
2 come back.
3 THE WITNESS: Thank you.
4 (Break from 3:06 p.m. to 3:12 p.m.)
5 BY MS. LESKIN:
6 Q. Before the break you told me that you
7 believe that you had taken Viagra the night before
8 you first noticed the difficulties with your left
9 eye, correct?
10 A. Yes.
11 Q. Okay. Why -- what makes you think that?
12 A. There's several answers there. Number one,
13 at one point -- put it this way. I'm looking back
14 from eight months, six months, ten months, whatever
15 it is, a year later, and trying to figure out cause
16 and effect. So there's always a little ambiguity in
17 that kind of thing.
18 I recall writing to Dr. Bhavsar that it was
19 one or two days before. So that's all part of the
20 same sort of how do we look back ambiguity.
21 The reason I concluded that it was the night
22 we got up north, which would have been that
23 Wednesday I guess, is that one of the nice things
24 about going out of town and going up north is going
25 on vacation, you're leaving the pressures behind,

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1 I know I didn't call Dr. Bhavsar the first
2 day, because I figured it was my left eye, it was
3 the, the retina.
4 For the same reason, again looking back into
5 my thinking, it's entirely possible that
6 Mrs. Stanley and I made love the night before. It's
7 the kind of thing I like to do. Now, whether she
8 ever picked up on that, I have no idea. But it was
9 something I liked to do. So that's how I got to the
10 dating and the timing and all that.
11 Q. Okay. But if you had, in fact had arrived
12 up at the cabin on Tuesday night and engaged in
13 sexual activity Tuesday night, does that change when
14 you would have woken up and seen the gray spot? Or
15 would it then have been a two-day span?
16 A. I can't come down hard on that. You know, I
17 think it was one day. I know why it would have
18 happened right then and there. I have no idea how
19 long the side effects of, you know, how Viagra could
20 affect you, whether it's one day or a week, I have
21 no idea.
22 Q. Okay.
23 A. I'm just saying that knowing, knowing me and
24 knowing how we do things, that was very likely.
25 Q. And you don't recall telling Dr. Bhavsar

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1 when you saw him on the 5th that your vision had
2 been slightly worse in the left eye for about two
3 weeks?
4 A. I don't recall.
5 Q. That's not what you recall of the
6 conversation?
7 A. I don't recall that.
8 Q. And as you noted, you did tell Dr. Bhavsar
9 in January of 2002 that you thought that you had
10 used Viagra a day or two before the problem arose?
11 A. Yes, right.
12 Q. Okay. What time of day, whether it be the
13 Tuesday night or the Wednesday night, did you take
14 the Viagra?
15 A. Well, it would have been, you know, in the
16 evening.
17 Q. About what time of the evening?
18 A. Let's say 9 o'clock.
19 Q. Okay.
20 A. You know, I feel frisky, I'm going to go
21 take my pill.
22 Q. Did you always discuss with Mrs. Stanley
23 before you took a Viagra?
24 A. No.
25 Q. Did you ever discuss with Mrs. Stanley

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1 And I said, "You know, I've had this loss of vision
2 in my left eye." And I said, "Have you ever talked
3 to the Pfizer detail man about Viagra? Does it have
4 side effects that include blindness?" I might have
5 said something like that.
6 And he said, "I haven't. I will ask him
7 when he comes in." And the next time I went in I
8 said, I asked him, and he said, "Well, the Pfizer
9 guy kind of danced around the issue. He didn't give
10 me a straight answer."
11 And I asked him that same question about
12 three or four times, because I was seeing him every
13 six months, I asked him that question several times
14 and I got this "ah" thing.
15 Q. When was the first time you had that
16 conversation with Dr. Gaertner?
17 A. Well, let's see, I would have seen him -- if
18 I saw him in March, I would have seen him again in
19 probably in September, something like that. That
20 probably wasn't the first time. Because I wasn't --
21 I had no reason to make a connection at that point.
22 It might have been a time after that, again, another
23 six months to March of '01. It might have been
24 September of '01, or give or take a month.
25 Q. We marked earlier as Exhibit 4 a March 14th,

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1 before you took a Viagra?
2 A. Well, she knew -- well, she knew that I took
3 Viagra, but I never discussed the particular time or
4 event with her. I don't think.
5 Q. Okay. When you saw Dr. Bhavsar on September
6 5th, did you tell him that you had taken a Viagra?
7 A. No. It was still, it was still my retina
8 problem. And when he said, "It's not your retina,"
9 my reaction was, "Oh, oh, I wonder what this is."
10 Q. And at that point did you tell him you had
11 taken Viagra?
12 A. Nope.
13 Q. And when you saw Dr. Weingarden, did you
14 tell him you had taken Viagra?
15 A. I did not.
16 Q. When was the first time you mentioned to a
17 doctor that you believe you had taken Viagra a day
18 or two before the onset of your vision problem?
19 A. I don't think I ever made any connection
20 between my eye problems and Viagra to one of my eye
21 doctors. I think the first time -- sometime in
22 there I read Pomeranz's report or what he'd done or
23 something to this sort. And I, I mentioned it to
24 Robert Gaertner, my urologist, who had given me the
25 Viagra in the first place and the prescriptions.

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1 2001 letter from Dr. Bhavsar to you. And you told
2 me earlier that when you received that letter on or
3 about March 14th of 2001, it was after you received
4 that letter that you stopped taking Viagra.
5 A. Okay, so obviously --
6 Q. Well, first let me ask you, is that right?
7 A. That's right (indicating). I did stop when
8 he said, "You'd be advised to."
9 Q. Okay. And that was in March of 2001.
10 A. Okay. So what I can tell you is that
11 that's, that's within a month at the most of when I
12 sent a letter to several different people saying
13 this happened and that happened and do you have any
14 suggestions.
15 Q. Okay. And you don't have a copy of that
16 letter?
17 A. I'll look for it.
18 Q. Okay. And none of your doctors' notes that
19 we've found have a copy of that letter.
20 A. Okay, that's fine.
21 Q. So if you do have a copy, we'd appreciate
22 getting a copy.
23 A. I'll be happy to.
24 Q. Okay. Was this conversation that you had
25 with Dr. Gaertner that you just described for us

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Page 202	<p>1 before or after you received this letter from</p> <p>2 Dr. Bhavsar on March 14th, 2001?</p> <p>3 A. Well, the first time I had that conversation</p> <p>4 was probably well before -- was before.</p> <p>5 Q. Okay. How long before?</p> <p>6 A. I'm saying before, like I'm sure of that,</p> <p>7 and I'm not. But at some point in there I read</p> <p>8 something that prompted me to say Viagra, blindness,</p> <p>9 A equals B. And I had, you know, "What do you think</p> <p>10 I ought to do, coach?" to Bhavsar, perhaps to</p> <p>11 several of the others, I'm not sure.</p> <p>12 I know Gaertner would have gotten it. I</p> <p>13 know Bhavsar got it, 'cause he responded. But I did</p> <p>14 sort of blow it up then. When I discovered this and</p> <p>15 whether that was at the same time or before or after</p> <p>16 I saw Gaertner that particular visit, I don't know.</p> <p>17 Q. Was that letter that you wrote to</p> <p>18 Dr. Bhavsar and other physicians the first time that</p> <p>19 you told any of your doctors that you had taken</p> <p>20 Viagra at about the same time that you lost vision</p> <p>21 in your left eye?</p> <p>22 A. That was the first time that I made a</p> <p>23 possible connection, yes.</p> <p>24 Q. Okay, that's not my question, though. My</p> <p>25 question is did you ever -- is that the first time</p>	Page 204	<p>1 Dr. Bhavsar in January of 2002, which we have</p> <p>2 Exhibit 6, the letter you sent him answering some</p> <p>3 questions he had for you, which we talked about</p> <p>4 earlier.</p> <p>5 A. Right.</p> <p>6 Q. When you had this correspondence with</p> <p>7 Dr. Bhavsar in January of 2002, did Dr. Bhavsar tell</p> <p>8 you then that he thought that Viagra had caused your</p> <p>9 ischemic optic neuropathy?</p> <p>10 A. Certainly by implication, if not by direct</p> <p>11 statement.</p> <p>12 Q. What did he say to you?</p> <p>13 A. Well, I don't remember what he said, whether</p> <p>14 it was in writing or over the phone. I have a gut</p> <p>15 feeling it was over the phone, but I'm not sure.</p> <p>16 But I, by my answer I clearly believe that</p> <p>17 this was relevant information. And whether I</p> <p>18 surmised at the time that he was -- maybe he told me</p> <p>19 at the time he was working with Pomeranz on a joint</p> <p>20 project.</p> <p>21 Q. Okay. Again, you said maybe, so do you</p> <p>22 recall specifically one way or the other?</p> <p>23 A. No, I don't, I don't.</p> <p>24 Q. When you received a copy of this article</p> <p>25 that we marked as Exhibit 5 by Dr. Pomeranz and</p>
Page 203	<p>1 you ever told your doctors that you had taken Viagra</p> <p>2 at about the same time that you lost vision in your</p> <p>3 left eye?</p> <p>4 A. Probably.</p> <p>5 Q. Okay.</p> <p>6 A. One exception being when did I, when did I</p> <p>7 see Gaertner. I wouldn't have -- I wouldn't have, I</p> <p>8 had never, you know, I haven't seen Bhavsar since</p> <p>9 the year 2000, so it wouldn't have been when I saw</p> <p>10 him. I didn't -- I don't think, well let's see, I</p> <p>11 don't know when I -- I might have said something to</p> <p>12 a physician, I don't know, one of my eye doctors.</p> <p>13 But I guess, I would guess not.</p> <p>14 Q. Now, you have this letter from Dr. Bhavsar</p> <p>15 in March of 2001, which talks about a potentially</p> <p>16 serious side effect. Correct?</p> <p>17 A. That's what it says, yes.</p> <p>18 Q. Okay. Did Dr. Bhavsar ever tell you that he</p> <p>19 thought Viagra in fact did cause your ischemic optic</p> <p>20 neuropathy?</p> <p>21 A. I don't believe he did. I think he was very</p> <p>22 tactful when he sent that letter and said, "Perhaps</p> <p>23 you should think about," blah, blah, blah, instead</p> <p>24 of, "Stop."</p> <p>25 Q. When you had the correspondence with</p>	Page 205	<p>1 Dr. Bhavsar, you said again that you had a brief</p> <p>2 conversation with Dr. Bhavsar commenting on the</p> <p>3 article?</p> <p>4 A. That may -- yeah, I may have said that. And</p> <p>5 but -- and I wonder if that's where I learned that</p> <p>6 Pomeranz -- I think at that point is when I learned</p> <p>7 that Pomeranz was working in the Twin Cities.</p> <p>8 Q. In connection with this article?</p> <p>9 A. Well, he, you know, he was in town and</p> <p>10 they'd collaborated on the article. And he was at</p> <p>11 the University I guess or something.</p> <p>12 Q. Okay.</p> <p>13 A. That's probably how that happened.</p> <p>14 Q. And just to be clear, did you receive a copy</p> <p>15 of this article from Dr. Bhavsar? Or did you find</p> <p>16 it independently?</p> <p>17 A. He probably told me where it was, the</p> <p>18 Journal of Ophthalmology or something, and I just</p> <p>19 clicked in and got -- and downloaded the article.</p> <p>20 Q. You said again, you said "probably." Do you</p> <p>21 recall that happening?</p> <p>22 A. I don't recall exactly. I don't think he</p> <p>23 sent it to me.</p> <p>24 Q. Okay.</p> <p>25 A. So it must have come -- come in some other</p>

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1 way. Maybe I asked them to send it to me for all I
2 know.
3 Q. Did you have a conversation with Dr. Bhavsar
4 after you received this copy of the article?
5 A. I don't believe so.
6 Q. Did you read the article?
7 A. Yes -- well, as much as I could understand
8 it.
9 Q. Okay.
10 A. I was particularly interested in individual
11 No. 7 or 5 or whoever it was.
12 Q. Okay. Did you notice the paragraph on page
13 12 of the article on the right-hand column that
14 says, "Because of the lack of a model in which the
15 test for a relationship between sildenafil and
16 NAION, N-A-I-O-N, a definite causal relationship
17 cannot be established at this time"?
18 A. I probably saw it.
19 Q. You said you had had some e-mail
20 correspondence with Dr. Pomeranz long before this
21 article, correct?
22 A. Yes, that would have been -- he was, he was
23 -- I think whatever he had out there that I found
24 was my first discovery of the potential connection.
25 Q. Okay. And when you saw those first

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1 me, and that was it.
2 Q. Okay. Are you aware that Dr. Pomeranz gave
3 deposition testimony in this litigation?
4 A. I'm not aware of that, no.
5 Q. Are you aware that he testified that it is
6 not his theory that Viagra causes NAION?
7 A. It is not what?
8 Q. His theory that Viagra causes NAION?
9 A. I am not aware of that.
10 Q. Are you aware that the Court has excluded
11 Dr. Pomeranz's opinion as an expert in this
12 litigation?
13 A. For some reason I'm aware that there was an
14 issue about his objectivity or something like that.
15 I don't know, maybe I got that from the attorneys or
16 something.
17 Q. Okay. And I don't want to impinge on any
18 attorney-client communication. But have you
19 followed this litigation outside of what your
20 attorneys have told you?
21 A. No.
22 Q. And when you say that you understand there's
23 an issue as to his objectivity, what do you mean by
24 that?
25 A. Well I, you know, I don't know where I heard

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1 articles, you reached out to Dr. Pomeranz?
2 A. Yes.
3 Q. And he was at the University of Maryland at
4 the time?
5 A. I believe so.
6 Q. Okay. And you summarized your medical
7 history for him?
8 A. I did a cheap and dirty I'm so-and-so, I
9 took so-and-so, and that kind of thing.
10 Q. Did Dr. Pomeranz tell you either on the
11 phone or by e-mail that he thought that Viagra had
12 caused your ischemic optic neuropathy?
13 A. I don't remember exactly. I don't think I'd
14 have contacted them if his article didn't sort of at
15 least tentatively suggest that was a cause and
16 effect.
17 Q. But did he ever tell you that he thought
18 Viagra caused your ischemic optic neuropathy?
19 A. I wouldn't think he would do that.
20 Q. Are you aware that Dr. Pomeranz has been
21 named as an expert in this litigation?
22 A. I know that generally, but I don't know
23 anything specific. I've never talked to the man.
24 It was all just an e-mail, here's my background, I
25 saw you did blah, blah, blah, and he came back to

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1 that. But is he, I mean is he -- the question, the
2 counter question is, is he a true expert witness
3 that is acceptable? You said something had been,
4 some information had been excluded that he would
5 testify to?
6 Q. Well, are you aware that the plaintiffs in
7 this litigation have designated Dr. Pomeranz as an
8 expert? Were you aware of that?
9 A. Not in the technical sense.
10 Q. What do you mean by that?
11 A. In the technical sense -- well, named,
12 designated, that kind of thing, I'm not sure. But I
13 think they would believe that Dr. Pomeranz would
14 have useful input.
15 Q. Okay. But you're not aware that he was in
16 fact named as an expert by the plaintiffs in this
17 litigation?
18 A. I don't know that's fact, no, I do not know
19 that fact.
20 Q. And were you aware that there was motion
21 practice before the Court regarding Dr. Pomeranz's
22 testimony in this litigation?
23 A. I think I am.
24 Q. Okay.
25 A. There were questions there somehow.

53 (Pages 206 to 209)

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<p>1 Q. Did you receive a copy of the order from the 2 Court? 3 A. To Pomeranz? 4 Q. Regarding the expert testimony of experts? 5 A. No, I didn't receive anything in that sense. 6 Q. And are you aware that Dr. Pomeranz's 7 testimony as an expert for the plaintiffs has been 8 excluded by the Court? 9 A. All of it? 10 Q. All of it. 11 A. I don't know as I was aware of that. I just 12 have this recollection of questions about, you know, 13 doubts, whatever. 14 Q. We talked about your letter to Dr. Bhavsar 15 where you said to him that you had thought you had 16 used it a day or two before your problem arose, 17 correct? 18 A. That, yes, right. 19 Q. And that's what you wrote on Exhibit 6, 20 January 9th, 2002, right? 21 A. Right. 22 Q. Did you ever provide any additional 23 information to Dr. Bhavsar about your condition 24 after this letter in January of 2002? 25 A. I don't think so.</p>	<p>1 visual acuities of 20/32 OD," meaning the right eye, 2 "and 20/100 OS, meaning the left eye"? 3 A. Right. 4 Q. Were you aware that was your visual acuities 5 after your surgery? 6 A. Frankly, I'm surprised it was that good. I 7 mean right after the surgery, that's when it, it's 8 healing. 9 Q. Just go back if you look at your letter, 10 Exhibit 6, you also wrote: "Whether I used 50 11 milligrams or 100 milligrams on that particular 12 occasion, I can't recall." That's what you wrote to 13 Dr. Bhavsar, correct? 14 A. That's what I wrote to him, yes. 15 Q. And if you look at his summary here in the 16 article, he says that you used a single 50-milligram 17 sildenafil tablet? 18 A. That's correct. 19 Q. Okay. Again, do you know how he got from 20 your statement of you don't know whether you used 50 21 or 100 milligrams to the statement -- let me just 22 get the question. 23 A. I have -- sorry. 24 Q. Do you know how he got from your statement 25 in your letter that you were not sure whether you</p>
Page 211	Page 213
<p>1 Q. If you take a look at the article. 2 A. The article, okay, the article would suggest 3 what he might or might not know, wouldn't it. 4 Q. And again on page 11 there's a description 5 of case 5? 6 A. Yup, that's me. 7 Q. And it reads: "A 69-year-old man used a 8 single 50-milligram sildenafil tablet and reported 9 acute visual loss OS" -- you know that means left 10 eye? 11 A. Yes, ma'am. 12 Q. "The next day." Do you see that? 13 A. Yup. 14 Q. Do you know how Dr. Bhavsar got from your 15 statement that says "a day or two before the problem 16 arose" to the next day? 17 A. No. It could be that he and I had a phone 18 conversation after I answered his letter. But I 19 don't recall such. 20 Q. Okay. So you don't know whether or not you 21 did in fact have a conversation? 22 A. Right. 23 Q. And you see the two sentences later it says, 24 "He had undergone retinal buckle surgery three 25 months earlier to the left eye, with postoperative</p>	<p>1 used 50 or 100 milligrams to the statement in the 2 article that said you used a single 50-milligram 3 dose? 4 A. No. 5 Q. The second to the last sentence in 6 Dr. Bhavsar's article says: "Six months later, 7 visual acuities were 20/32 in the right eye and 8 20/125 in the left eye." Do you see that? 9 A. Yes. 10 Q. Is your vision in your left eye still 11 20/125? 12 A. I haven't the faintest idea. It stinks. Is 13 20/125 bad? If that's bad, I've got bad. 14 Q. Okay. No one's told you what your vision 15 measures at? 16 A. After I had all this, at one occasion I went 17 back to have -- in fact, there was a medical thing 18 on that, it was a little round thing with a sort of 19 a lattice with lines across back and forth. 20 Q. Mm-hmm? 21 A. And it basically showed that I see almost 22 nothing almost everywhere in my left eye. And 23 that's the really only the, only test I've had. 24 Because if I hold up my right hand I can't see 25 anything.</p>

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1 Q. Even with your glasses?
2 A. With my glasses -- the glasses don't help
3 because it's not that issue.
4 Q. Okay. You told me earlier that you spoke
5 with Dr. Robert Gaertner as to whether your vision
6 could be caused by Viagra, right?
7 A. Yes.
8 Q. And you told me that he'd never -- he
9 couldn't get a good answer from the Viagra
10 salespeople?
11 A. He couldn't get a straight answer. And he
12 asked him several times.
13 Q. Did Dr. Gaertner ever tell you that although
14 there had been reports of NAION and Viagra on a
15 couple of occasions, it's really not a
16 contraindication?
17 A. He might have.
18 Q. Did you ever tell Dr. Gaertner that you
19 weren't sure if the Viagra and your vision problems
20 were related?
21 A. Probably. Because I wasn't.
22 Q. Did Dr. Gaertner ever give you an opinion
23 that Viagra caused your vision loss?
24 A. I don't think so. But he's not an
25 ophthalmologist, you know, that's the routine.

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1 Q. Okay. Did you ever discuss whether Viagra
2 caused your vision loss with Dr. Sheridan?
3 A. I have no idea. I doubt it.
4 Q. Did you ever tell Dr. Sheridan that you were
5 a Viagra victim?
6 A. Could have used that term. I don't rise in
7 the morning singing Viva Viagra, I have to tell you
8 that.
9 Q. Did Dr. Sheridan agree that Viagra caused
10 your vision loss?
11 A. I have no idea. He probably -- he might
12 would have said something like that. But doctors
13 don't go out on limbs like that.
14 Q. So has any doctor ever told you that Viagra
15 caused your vision loss?
16 A. I've probably had words that, you know, it's
17 possible or it's this is a, you know, this is a
18 contraindication or, you know, words like that, but
19 they don't ever sorta come down like that on an
20 issue anyway.
21 Q. So does that mean that your doctors have not
22 told you that Viagra caused your vision loss?
23 A. They certainly have not definitively said
24 that's the reason.
25 Q. Has any doctor told you it was probably the

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1 reason?
2 A. I think probably -- I think probably
3 Weingarden, whose bailiwick this finally fell into,
4 the neurological side of things.
5 Q. Mm-hmm?
6 A. Probably has. But I can't tell you that he
7 has. But has probably said, you know, I think it's
8 likely or, you know, it probably is a reasonable
9 analysis, or something like that.
10 Q. When did he tell you that?
11 A. That's just sort of an impression. I mean
12 it's -- I've seen him, I saw him at the event, I saw
13 him at least one occasion later where they did all
14 the, the analysis of my inability to see in my left
15 eye. And that was it. So it was probably the
16 second time around. But it might have been the
17 first one. Although, the first one we didn't know.
18 We didn't surmise, did we.
19 Q. We didn't surmise what?
20 A. Well, when I saw him, it was the week after
21 the event with my eye. At that point I didn't have
22 any suspects.
23 Q. And in fact you never told him that you had
24 taken Viagra on that day?
25 A. I don't think I did.

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1 Q. Okay.
2 A. Because I didn't make a connection. So it
3 would have been later if he said anything.
4 Q. Okay. Well, when do you recall telling
5 Dr. Weingarden that you had taken Viagra at or about
6 the time that you lost your vision?
7 A. I don't -- the only time it would have been
8 was when I went in to see him sort of as a two year
9 later follow-up or whatever it was. Because I, you
10 know, he was done with me when my eye didn't get
11 better. It was still swollen, it still didn't work,
12 et cetera.
13 Q. So just so I'm clear, you understand -- you
14 believe that at some point you saw Dr. Weingarden,
15 told him that you had taken Viagra at about the time
16 of the onset of your injury, and he told you he
17 thought it was likely that the Viagra caused your
18 injury?
19 A. I don't recall what he said to me. But when
20 I saw him a couple of years later or when he wanted
21 a, sort of a let's do a workup on where you are now.
22 I'm sure as part of that, that we discussed the
23 thing.
24 Q. Okay, you say, "I'm sure." Do you recall
25 that you actually did discuss it?

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1 A. It's one of those I would have brought it
2 up, I know we would have discussed it. But do I
3 have a coherent sort of memory of that? No. What
4 he might put in the notes, I have no idea.

5 Q. Okay. Did you ever discuss whether Viagra
6 could cause your ischemic optic neuropathy -- strike
7 that.

8 Did you ever discuss your ischemic optic
9 neuropathy with any of your cardiology doctors?

10 A. I don't believe so. I might have told them
11 that I was blind in one eye. But I don't, I don't
12 remember getting into the term. My GP would have
13 known. But he's the only one.

14 Q. Okay. And the reason I ask is because I
15 don't see any notes in your cardiology records that
16 you've ever told your cardiologist that you have
17 ischemic optic neuropathy in your left eye.

18 A. That's no surprise. I wouldn't use the
19 term. I'd just say, "I'm blind."

20 Q. Okay. Did you ever ask your cardiologist
21 whether the fact that you're blind in your left eye
22 could be related to any of your heart problems?

23 A. I did not. I don't think I have.

24 Q. Did you ever discuss your heart problems
25 with any of your ophthalmologists?

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1 your cardiac medications could have caused ischemic
2 optic neuropathy?

3 A. I have not.

4 Q. Have you done any research to see whether
5 any of your cardiac medications have been associated
6 with ischemic optic neuropathy?

7 A. No. The closest thing I've gotten to
8 research is reading the do's and don'ts.

9 Q. The do's and don'ts of what?

10 A. Well, you know, the side effects, the don't
11 if you -- you know, if you have this, then don't
12 take that.

13 Q. So your heart medications?

14 A. Yeah, that's the closest I've gotten to
15 researching anything.

16 Q. After you got this letter that we marked as
17 Exhibit 4 from Dr. Bhavsar in March of 2001, you
18 told me that you discontinued using Viagra. And
19 we've talked about that.

20 A. Yes, I believe so.

21 Q. After you stopped using Viagra, did you try
22 any other medications to treat your erectile
23 dysfunction?

24 A. I think that's when I tried the yohimbine
25 and had nonsuccess.

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1 A. Probably not, but that's the best I can do.

2 Q. Did you ever ask any of your
3 ophthalmologists -- to be more specific, did you
4 ever ask any of your ophthalmologists whether your
5 atrial flutter could have been a cause of your
6 ischemic optic neuropathy?

7 A. No.

8 Q. Did you ever ask them whether any of your
9 cardiac medications could have caused your ischemic
10 optic neuropathy?

11 A. No.

12 Q. Did you ever do any research --

13 A. I would answer, though, that none of them
14 contraindicate any of these kind of things, as I
15 recall.

16 Q. Does Viagra contraindicate ischemic optic
17 neuropathy with the use of Viagra?

18 A. That's the problem, isn't it.

19 Q. I don't know that that answers my question,
20 sir. To your knowledge, does Viagra contraindicate
21 ischemic optic neuropathy?

22 A. No, not in the official documents, if that's
23 what you mean.

24 Q. Okay. So do any of your cardiac -- have you
25 talked to any of your doctors as to whether any of

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1 Q. Okay, so you've tried -- so Dr. Gaertner
2 gave you the yohimbine?

3 A. Yes.

4 Q. Okay. And that did not work for you?

5 A. Correct.

6 Q. And did that exacerbate your atrial
7 fibrillation?

8 A. No.

9 Q. Do you recall reporting to your cardiologist
10 that you believed that it exacerbated your atrial
11 fibrillation?

12 A. No. I do remember reporting to her that the
13 only thing it raised was my blood pressure.

14 Q. Have you tried Levitra?

15 A. No.

16 Q. Have you ever tried Cialis?

17 A. No.

18 Q. Have you tried any other medications to
19 treat your erectile dysfunction?

20 A. No.

21 Q. Do you recall discussing a product called
22 MUSE with Dr. Gaertner?

23 A. Yes. Vaguely. I mean, you bring it up and
24 I say yeah, I think I remember that, but for some
25 reason.

56 (Pages 218 to 221)

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1 Q. Do you recall discussing a product called
2 Caverject with Dr. Gaertner?
3 A. Yeah, is that a drug or something else?
4 Q. Caverject is a medication that you inject
5 into the penis to help with an erection.
6 A. Oh, okay, yeah, I -- that didn't appeal to
7 me.
8 Q. Okay, and MUSE is a medication that you
9 insert intraurethraly?
10 A. Oh, yeah. No, those were brought up and
11 disposed of very quickly.
12 Q. Okay. Did Dr. Gaertner give you a sample of
13 MUSE?
14 A. No, I don't think so.
15 Q. Have you used any medication?
16 A. No.
17 Q. Do you continue to have problems with
18 erectile dysfunction?
19 A. Absolutely. My second prostate treatment
20 took me completely out of the game.
21 Q. So when is the last time you were able to
22 engage in sexual activity?
23 A. Probably right before that period. In other
24 words, I think probably late '03, early '04.
25 Q. So between March of 2001 and late 2003,

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1 early 2004, were you able to engage in sexual
2 activity?
3 A. Yes, limited.
4 Q. Okay. When you say limited, what do you
5 mean by that?
6 A. Well, it just, you know, I really had to be
7 right to get anywhere.
8 Q. And what percentage of the time would you
9 have difficulty getting an erection?
10 A. Difficulty, you know, the majority of the
11 time.
12 Q. And what percentage of the time were you not
13 able at all to get an erection?
14 A. Well, if you don't ever get an erection,
15 nothing gets started, does it. Which is another way
16 of saying that there was no -- when there was no
17 erection, it was not a failure because nothing
18 happened. Or I mean it wasn't, it wasn't even a
19 try. Does that make sense?
20 Q. So you wouldn't try if you didn't already
21 have an erection?
22 A. Or if I didn't feel like I was close to
23 that.
24 Q. Okay. So between March of 2001 when you
25 stopped taking Viagra and this period of time at the

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1 end of 2003, beginning of 2004, how often would you
2 be able to engage in sexual activity?
3 A. Oh, maybe once a month as a guess.
4 Q. And those times that you were able to engage
5 in sexual activity, you were able to get an
6 erection?
7 A. Yes, or part of one or a brief one or
8 occasionally a lasting one.
9 Q. So the times that you were able to get an
10 erection, what percentage of time were you able to
11 maintain that erection for penetration?
12 A. Maximum half maybe.
13 Q. And what percentage of time that you were
14 able to maintain an erection for penetration were
15 you able to maintain that erection through
16 ejaculation?
17 A. Much of the time. Majority of the time.
18 Q. And since your second -- your second
19 prostate surgery, have you been completely unable to
20 have sex?
21 A. Absolutely.
22 Q. Have you made any effort to have sex?
23 A. No, but it's, trust me, it's not a winning
24 enterprise.
25 Q. Have you spoken to your doctors about any

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1 other possible treatments?
2 A. No, I just said look, I'm in my 70s, these
3 things pass, so be philosophical.
4 Q. When was the first time you considered
5 filing a lawsuit against Pfizer?
6 A. Again, that's in the fuzzy time. It wasn't
7 early. I was frustrated, indeed irritated that
8 Pfizer was not forthcoming to Dr. Gaertner. That
9 troubled me. The Pfizer company would have known
10 very early on if there were any cases like this.
11 They certainly knew about what's his name, the
12 doctor in Maryland, and what he had written. And
13 yet the detail man was presumably without knowledge
14 on any of this. And if he was with knowledge, it
15 would be even worse, because then he wouldn't have
16 been telling the truth. But he basically kind of
17 ducked the questions. "Well, I, ah, I don't know,"
18 that kind of stuff. Can't print that.
19 And at some point I got mad. And at some
20 point something developed somewhere somehow -- I
21 mean there were ads out there for people who have
22 had this and that kind of thing. And I don't sense
23 that the Viagra thing is a big class action event,
24 but I thought, you know, I wonder if there's
25 anything going on out there.

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1 And I think probably went on the Internet,
2 found somebody out east who was trying to put
3 together some sort of case. And I asked my local
4 lawyer, my regular lawyer, I said, "Hey, here's
5 what's happened to me, and if I want to sue what do
6 I do?" That's sort of how the whole thing went.

7 Q. Okay. Let me just back up a few steps here.
8 Did you personally ever have any conversation with
9 any of the detail men from Pfizer?

10 A. No.

11 Q. Did you personally ever have any
12 conversation with anyone from Pfizer?

13 A. No.

14 Q. Did you ever write or communicate in any way
15 with Pfizer looking for information?

16 A. I don't believe so.

17 Q. Did Dr. Gaertner ever give you any written
18 information that he received from Pfizer?

19 A. No. Not to my knowledge. Not to my
20 recollection.

21 Q. So your relaying of the conversation or of
22 the statements by the detail man is based on what
23 you heard from Dr. Gaertner?

24 A. Yes, ma'am. And it was probably repeated at
25 least three times, three separate occasions.

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1 Q. Okay. When was the last time you had that
2 conversation with Dr. Gaertner?

3 A. Just be a guess. '03 maybe, '04, somewhere
4 in there.

5 Q. Okay. And then you said you started looking
6 on the Internet to see if anything was going on.
7 When did you start that process?

8 A. Probably somewhere in that zone.

9 Q. The '03, '04 time?

10 A. Yes.

11 Q. Okay. Was that before -- was it before or
12 after you had the correspondence with Dr. Bhavsar
13 answering the questions that he had for you in
14 January '02?

15 A. It was probably after.

16 Q. Okay. And was it before or after you saw
17 the article by Dr. Bhavsar and Dr. Pomeranz which
18 we've marked as Exhibit 5?

19 A. My guess is my research, such as it was,
20 started before then. Period.

21 Q. Okay. You said at some point you saw on the
22 Internet that someone out east was trying to get
23 some litigation going.

24 A. I don't know where I picked this up but, you
25 know, you can find anything on the Internet. And it

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1 was somebody out east. And I think I called them
2 and they said yeah, we'll send you a form. And I
3 sent it in -- or maybe I didn't even send it in.

4 I think what they did was send me the form
5 for a different piece of litigation than Viagra.
6 And I thought these guys are jerks, I'm not going to
7 do business with them.

8 And at that point I had also talked to my
9 local attorney and he referred me to, not to
10 Zimmerman Reed, but to Robins, Kaplan, who in turn
11 referred me to Zimmerman Reed.

12 Q. Do you remember the name of the law firm out
13 east that you contacted?

14 A. I don't. I forgot it as quickly as I could.

15 Q. Do you know what state they were located in?

16 A. Not offhand. Sounded like New Yorkers.

17 When I called in one time and got the voice mail, it
18 was a New Yorker, I know that. But not genteel New
19 Yorkers like you are.

20 Q. Well, thank you.

21 A. The tough guys.

22 Q. And you said you contacted your regular
23 lawyer locally?

24 A. Yes.

25 Q. Is that someone you used for litigation in

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1 the past?

2 A. No, no, that's why I went to him, because he
3 didn't have an ax, they don't do it. It was Briggs
4 & Morgan.

5 Q. And they referred you to Robins, Kaplan?

6 A. Yes.

7 Q. And Robins, Kaplan referred you to Zimmerman
8 Reed?

9 A. Exactly. They took a look at it and said
10 no, we're not going to do this, and turned it over.

11 (R. Stanley Deposition Exhibit No. 9
12 marked for identification.)

13 Q. We've marked as Exhibit 9 the complaint in
14 this matter. Have you seen this document before?

15 A. Yes, I have.

16 Q. When was the first time you saw this
17 document?

18 A. My recollection is I heard from Zimmerman
19 Reed that it had been filed. And it was in an
20 e-mail. I think. You -- just notification, we, you
21 know.

22 MS. HAUER: I just want to caution you,
23 what we talked about is privilege, so just --

24 THE WITNESS: Okay, this isn't
25 particularly sensitive. I hope.

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1 MS. HAUER: Well, she's asking you if
2 you remember when you saw it. That's the question,
3 so.

4 A. Okay. I got it probably very soon after the
5 15th of March of '06.

6 BY MS. LESKIN:

7 Q. Okay. But you did not see this document
8 before it was filed?

9 A. I don't believe I did.

10 Q. How long before March 15th, 2006 did you
11 have your first contact with Zimmerman Reed? And
12 again, I'm not interested in the substance of the
13 communications, just the dates.

14 A. Well, I would guess it was at least a year,
15 but that's, you know, they've got better records
16 than we do.

17 Q. Okay. And did you speak with Ms. Hauer?

18 A. I might have spoken with Mr. Goldser.

19 Q. Okay.

20 A. And haven't talked to him since.

21 Q. Okay.

22 A. He delegates a lot. But I had a chat with
23 Mr. Goldser and they wrote me, probably wrote me a
24 nice letter and stuff like that. But I found a
25 home.

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1 Q. Other than the conversations you had with
2 any of the lawyers you spoke with, did anyone else
3 suggest that you file a lawsuit in this matter?

4 A. I think my interest in this was spontaneous.
5 That is, I kept hearing that Pfizer didn't have
6 anything to say and all that. And I said you know,
7 I'm not very happy with Charles Pfizer, and I'm
8 going to sue. Or I'm going to find out about it
9 anyway.

10 MS. LESKIN: Give me a couple minutes,
11 we might be done. Just give me five minutes.

12 MS. HAUER: Okay.

13 (Break from 4:00 p.m. to 4:10 p.m.)

14 BY MS. LESKIN:

15 Q. Mr. Stanley, I just have a couple more
16 questions for you before we end.

17 A. Go ahead.

18 Q. Did you review any documents in advance of
19 your deposition today?

20 A. Yes, I reviewed the kind of stuff you've
21 been showing today.

22 Q. Okay, the fact sheet that you completed,
23 right?

24 A. Yes.

25 Q. Anything else?

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1 A. Oh, the cause of action or --

2 Q. The complaint?

3 A. -- you know, the legal filing and some of
4 the letters. I didn't read all the medical stuff
5 'cause I find that sort of inscrutable.

6 Q. Okay. Anything else that you looked at?

7 A. Not really. Everything, I mean you've got
8 everything that I've got that she's got, you know,
9 and all that, there's nothing.

10 Q. Other than any communications with your
11 lawyer, did anyone else give you any advice or
12 information as to --

13 A. No, that --

14 Q. Just let me finish the question. Other than
15 the communications you've had with your lawyer, did
16 anyone give you any advice or information on
17 depositions or how to conduct yourself at a
18 deposition?

19 A. No.

20 Q. We talked a little bit earlier about some
21 articles you may have seen by Dr. Pomeranz prior to
22 writing your letter to Dr. Bhavsar and other
23 physicians that may have triggered in your mind the
24 relationship between Viagra and ischemic optic
25 neuropathy.

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1 Is there anything else that you have seen
2 that supports your view that Viagra can cause
3 ischemic optic neuropathy?

4 A. I suppose so.

5 Q. What else have you seen?

6 A. I find it -- put it this way. If I watch
7 your feet, I know where you're going. If I watch
8 your mouth, I don't know where you're going. I
9 think Pfizer, and being as -- Pfizer, in not arming
10 its people to go out with facts, facts being in this
11 case that maybe there is a relationship between
12 Viagra and eyesight, that's the kind of thing that
13 says to me there's something fishy here.

14 In other words, I'm reading what -- how
15 people act. And say, you know, there's a lot in
16 life that isn't just written on a piece of paper,
17 it's how people handle things. And I think Pfizer
18 did me in.

19 And, you know, this is not a common ailment.
20 And it's happened with Cialis and Levitra, too, from
21 what I hear. And so, you know, all of the things
22 that sort of come to me reinforce that. They
23 don't -- they don't dissuade me of it.

24 Q. So if I understand you correctly, because
25 this has happened in men who have taken Viagra and

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Page 234	<p>1 men who have taken Cialis and men who have taken</p> <p>2 Levitra, that has convinced you that those drugs can</p> <p>3 cause this condition. Is that fair?</p> <p>4 A. That's, you know, when a lawyer restates</p> <p>5 your words, they always get something into them that</p> <p>6 maybe quite wasn't quite there.</p> <p>7 But what I'm looking at is the totality of</p> <p>8 what I know. I heard from some guy in Maryland,</p> <p>9 and, you know, that kind of thing. And other people</p> <p>10 are looking at this and having problems with it.</p> <p>11 And the other two drugs apparently do the same</p> <p>12 thing. I'm looking at all that. And Pfizer isn't</p> <p>13 coming clean on it, I'm thinking, looking at all</p> <p>14 that and saying there's this faint smell of fish</p> <p>15 here.</p> <p>16 Q. I guess what I'm trying to understand is</p> <p>17 what is the "all that" that you're looking at. And</p> <p>18 what I've heard you say is that Dr. Pomeranz has</p> <p>19 published reports about men taking Viagra and</p> <p>20 experiencing this condition. Right? That's one</p> <p>21 thing?</p> <p>22 A. Yup.</p> <p>23 Q. That there have been reports of men taking</p> <p>24 Cialis who have had this condition, right?</p> <p>25 A. Mm-hmm.</p>	Page 236	<p>1 couple of cases that where the question has been</p> <p>2 raised as to whether there is eyesight problems as a</p> <p>3 result of using Viagra. That's the kind of answer I</p> <p>4 would look for from a legitimate reputable company.</p> <p>5 And I didn't see it.</p> <p>6 Q. Is there anything else, any other evidence</p> <p>7 that you have seen that demonstrates that Viagra can</p> <p>8 cause ischemic optic neuropathy?</p> <p>9 A. Well, I think that there are others who have</p> <p>10 had it, so I mean that's, I mean that's evidence</p> <p>11 that it can happen 'cause it has happened.</p> <p>12 Q. Are you aware that ischemic optic neuropathy</p> <p>13 has occurred in men who have never taken Viagra,</p> <p>14 Levitra and Cialis?</p> <p>15 A. I suspect it has, yes. I don't know what it</p> <p>16 comes from. I haven't researched other causes and</p> <p>17 effects.</p> <p>18 Q. In fact you've done no research on ischemic</p> <p>19 optic neuropathy, right?</p> <p>20 A. No, it wouldn't make any sense to me.</p> <p>21 Q. Is there any other evidence that you're</p> <p>22 aware of that links Viagra with ischemic optic</p> <p>23 neuropathy?</p> <p>24 A. Evidence. I guess in effect that's enough</p> <p>25 for me, that there are these things that weren't</p>
Page 235	<p>1 Q. Yes?</p> <p>2 A. Yes.</p> <p>3 Q. That there are reports of men taking Levitra</p> <p>4 who have had the same eye condition, correct?</p> <p>5 A. That's part of it, yes.</p> <p>6 Q. Okay. And that Pfizer has not said it</p> <p>7 causes it.</p> <p>8 A. No --</p> <p>9 Q. That's the --</p> <p>10 A. Pfizer has not been forthcoming to its</p> <p>11 detail people until more lately than they should</p> <p>12 have that there's a problem out there. That maybe</p> <p>13 they should be candid with their urologists that are</p> <p>14 on their beat.</p> <p>15 Q. Okay, what evidence do you have that they</p> <p>16 have not been candid?</p> <p>17 A. I'm watching their feet. They aren't</p> <p>18 passing this information out to their detail men.</p> <p>19 Q. How do you know that?</p> <p>20 A. Well, or their detail men aren't answering</p> <p>21 physicians' legitimate questions.</p> <p>22 Q. What information would you like Pfizer's</p> <p>23 detail men to have told physicians?</p> <p>24 A. I'd like them to have said, you know, we got</p> <p>25 a bulletin last week, doctor, and there have been a</p>	Page 237	<p>1 said, that there are things that have been said,</p> <p>2 that there are things that happened to me, and they</p> <p>3 all tend to add up to A plus B plus C equals the</p> <p>4 result.</p> <p>5 Q. I just want to clear one thing up from</p> <p>6 earlier. Earlier we talked about a drug called</p> <p>7 sotalol. And you told me that you had taken sotalol</p> <p>8 at some point to help -- let me just finish the</p> <p>9 question.</p> <p>10 A. You're right.</p> <p>11 Q. You told me earlier that you had taken</p> <p>12 sotalol for a short period of time to help treat</p> <p>13 your erectile dysfunction.</p> <p>14 A. I think we've talked about two drugs. And I</p> <p>15 may have misstated with respect to sotalol. Because</p> <p>16 I think it was yohimbine or yohimbine or however you</p> <p>17 say it that was the problem there. Or vice versa,</p> <p>18 I'm not sure which.</p> <p>19 Q. Okay. And in fact we did talk about your</p> <p>20 taking yohimbine after stopping taking Viagra.</p> <p>21 A. Okay, I think I got it right in the written</p> <p>22 report, didn't I?</p> <p>23 Q. Okay, yes, you did mention the yohimbine.</p> <p>24 A. Good. Well, then I misspoke then with</p> <p>25 respect to sotalol.</p>

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1 Q. Do you recall taking a drug named sotalol?
2 A. I recall a drug named sotalol, but I don't
3 recall what it was for.
4 Q. Would you defer to your medical records as
5 to when you took it and what you took it for?
6 A. Sure, absolutely.
7 MS. LESKIN: I have no other questions.
8 MS. HAUER: I have no questions.
9 THE WITNESS: You don't want to know
10 all the problems I have with walking with monocular
11 vision and why I can't go on trips and all that?
12 MS. LESKIN: You've explained that to
13 me, sir.
14 THE WITNESS: Okay, you're happy with
15 that. Or you're content with that anyway. I'm not
16 happy with it either. Well, thank you very much.
17 MS. LESKIN: Thank you, Mr. Stanley.
18 We're done. We're off the record.
19 THE REPORTER: Will the witness be
20 reading and signing?
21 MS. HAUER: You can read and sign the
22 transcript if you want to go over it, to make sure
23 everything she typed was accurate. Or that's
24 something you can waive, if you trust what she's
25 done. I typically recommend people read and sign

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1 them.
2 THE WITNESS: You'd recommend we read
3 and sign?
4 MS. HAUER: Mm-hmm.
5 THE WITNESS: Well, I can certainly do
6 that. My wife's here. I can hurry --
7 MS. HAUER: No, not today. In a couple
8 weeks she'll give me a paper copy, I'll send it to
9 you.
10 THE WITNESS: That's fine, I will take
11 a look at it. Should I mark it?
12 MS. HAUER: Yeah, we're going to read
13 and sign.
14 (Deposition concluded at 4:19 p.m.)
15 *****
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REPORTER'S CERTIFICATE

1
2 STATE OF MINNESOTA)
3) ss.
4 COUNTY OF DAKOTA)
5 I hereby certify that I reported the
6 deposition of RICHARD W. STANLEY on August 6, 2008
7 in Minneapolis, Minnesota, and that the witness was
8 by me first duly sworn to tell the whole truth;
9
10 That the testimony was transcribed by me and
11 is a true record of the testimony of the witness;
12
13 That the cost of the original has been
14 charged to the party who noticed the deposition, and
15 that all parties who ordered copies have been
16 charged at the same rate for such copies;
17
18 That I am not a relative or employee or
19 attorney or counsel of any of the parties, or a
20 relative or employee of such attorney or counsel;
21
22 That I am not financially interested in the
23 action and have no contract with the parties,
24 attorneys, or persons with an interest in the action
25 that affects or has a substantial tendency to affect
my impartiality;
That the right to read and sign the
deposition by the witness was reserved.
WITNESS MY HAND AND SEAL THIS 15th day of
August, 2008.
Mary P. Mitchell, RDR, CRR, CCP
Notary Public, Dakota County, Minnesota
My commission expires January 31, 2010.

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